



PINAL COUNTY  
wide open opportunity

## Offer and Acceptance

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

### OFFER AND ACCEPTANCE FORM

#### TO PINAL COUNTY:

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

<u>J. Mark Ogden</u> Authorized Signature	Shareholder Title
Mark Ogden Printed Name	3/29/15 Date
Littler Mendelson, PC Company Name	602-474-3600 Telephone
2425 E. Camelback Road, Suite 900 Address	Phoenix, Arizona 85016 City, State, Zip

#### For clarification of this offer, contact:

Name: Mark Ogden Phone: 602-474-3600 Fax: 602-957-1801  
Email: mogden@littler.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	<u>[Signature]</u> Signature
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Approved as to form:

[Signature]  
Pinal County Attorney's Office



 <p><b>PINAL COUNTY</b> <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.

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

	<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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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 titled, "Insurance" above, except certificates of insurance shall be issued and delivered to Customer prior to Subcontractor's performance under this contract.

**SECTION 6. INDEMNIFICATION**

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

**SECTION 7. NOTICE OF CLAIM**

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

**SECTION 8. CLAIMS/LIMITATION OF ACTION**

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

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

**SECTION 9. CANCELLATION OR TERMINATION OF CONTRACT**

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

**SECTION 10. INCORPORATION OF UNIFORM GENERAL TERMS AND CONDITIONS**

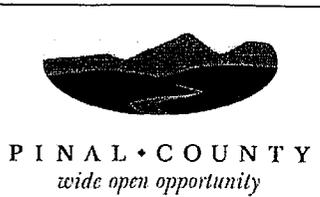
The Contractor agrees that the county's Uniform General Terms and Conditions for this ROQ are incorporated herein as if they were recited in full. If the Contractor takes exception to any such Terms and Conditions, such exception is fully explained on Response Form 1 and is subject to acceptance in writing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

**SECTION 11. DISPUTE RESOLUTION**

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

**SECTION 12. MISCELLANEOUS**

- a) **Assignability.** This contract is non-assignable in whole or in part by either party without the written consent of both parties.
- b) **Authority of Signatory.** The individuals signing this Contract and any supplements, warrant that they have been duly authorized and vested with the power to do so on behalf of their entity.
- c) **Beneficiaries.** This Contract shall inure solely to the benefit of Contractor and Customer, and shall create no rights in any other person or entity.
- d) **Comparable Treatment.** All of the prices, terms, warranties and benefits granted by Contractor herein are comparable to or better than the equivalent terms being offered by Contractor to any similar situated customer.
- e) **Exhibits, Plats, Riders and Addenda.** All plats, riders, exhibits or addenda, if any, affixed to the Contract are a part hereof.



ROQ – 151721  
SPECIALTY LEGAL SERVICES

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

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

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

**CONTRACTOR**

**PINAL COUNTY**

J. Mark Ogden  
By: Mark Ogden  
Title: Shareholder  
Date: 3/29/16

[Signature]  
Fodd House, Chairman  
Board of Supervisors  
Date: 6/1/16

**ATTEST:**



[Signature]  
Sheri Cluff  
Clerk of the Board

**Approved as to Form:**

[Signature]  
Chris Keller, Deputy County Attorney

**SCHEDULE A: PRICING SUPPLEMENT**

The hourly rate of \$400.00 will be the rate for all authorized and approved Specialty Legal Services under this contract.

**Attorney-Specific Rates**

Littler’s standard billing rates are very competitive and frequently lower than rates charged by firms of similar size and quality. Littler focuses on employment law and labor relations matters, and utilizes technology in sharing and disseminating information internally and with clients. This enables us to deliver the highest quality services and obtain client objectives with greater efficiency for an overall lower cost than firms with lower hourly rates yet less expertise, experience and efficiency.

The billing rates for the attorneys proposed are as follows:

Position	Location	Standard Rates
Shareholder	Phoenix	\$295
Associate	Phoenix	\$255
Paralegal	Phoenix	\$95

All expenses are discussed with clients in advance and billed at the cost incurred by Littler. We charge only for expenses such as filing, court reporter, and expert witness fees; outside photocopying and messenger services; and out-of-pocket travel expenses, including mileage at the rate authorized by the IRS. Expenses that exceed \$2,000 are usually billed directly to our clients. Littler does not charge clients for photocopies or long-distance telephone costs.

**Alternative Fee Arrangements**

Littler has entered into many successful alternative fee arrangements (AFAs) with clients, for a wide variety of employment-related legal work. In our experience, when structured appropriately, such arrangements help align client and counsel in a collaborative partnership, providing cost predictability and value for clients while also giving Littler reasonable compensation, clear goals and incentive to be efficient.

Below we describe examples of AFAs that many of Littler’s clients have found to be cost-effective. Should you wish to explore any of these or other pricing options, we would be happy to discuss in more detail the pricing strategies best suited to meet your objectives, as well as your historical and anticipated legal needs, in order to develop tailored pricing options.



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## ROQ – 151721 SPECIALTY LEGAL SERVICES

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### Annual Flat Fee

If a client wishes to engage Littler for all or a significant portion of its employment and labor law needs in the U.S., we can offer an annual flat fee (plus expenses), payable in equal monthly amounts. To ensure that the annual fee arrangement is fair to both parties, it may be subject to a mutually agreed-on review and adjustment mechanism, such as the fee collar described below, that allows us to share the risk that the actual level of effort required is significantly less or greater than the anticipated level.

### Monthly Advice Retainer

To provide timely day-to-day employment advice, we can offer an arrangement whereby your in-house counsel, executive management and HR representatives will have direct phone and email access to a core group of Littler attorneys, for a flat monthly fee. As with annual flat fees, the monthly flat fee is typically subject to a periodic review of the actual level of effort required.

Under this arrangement, Littler provides advice in relation to personnel matters, employment issues, labor relations matters, and compliance with federal and state employment laws. Our service includes limited legal research, review of facts and documentation, preparation of correspondence, and recommendations with respect to company action/next steps.

### Fixed Fees for Different Matter Types

Littler offers fixed fee arrangements for many other types of engagements, such as those listed below. For each matter and AFA, the scope of work, price, phases (if applicable) and other terms are clearly agreed on between Littler and the client at the outset.

- **Administrative agency proceedings:** For discrimination charges and certain other types of administrative agency charges, a flat fee per charge.
- **Single-plaintiff employment litigation:** Fixed fees by phase through summary judgment. Variations on this AFA include a fixed fee per matter through summary judgment, or the inclusion of bonus mechanisms to incentivize Littler to achieve predefined success criteria.
- **Class and collective actions:** Fixed fees by phase, or monthly flat fees budgeted over the anticipated duration of the case, usually with a fee adjustment mechanism.
- **Labor arbitrations:** Fixed fees by phase or per matter, for single-grievance (discharge, suspension, and/or warning notice) labor arbitrations arising under a collective bargaining or other labor agreement.
- **OSHA hearings:** Fixed fees by phase.
- **Immigration:** Flat fees for a wide variety of U.S. and international work visas and permanent residence applications.

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- **Compliance assessments and training:** Flat fees for pay practice compliance reviews, exempt and independent contractor audits, international compliance reviews, and other employment practices audits, as well as for compliance training.
- **Employee handbooks and policies:** Flat fees for review, drafting, and updating, including state or international supplements.

## Risk-Sharing Mechanism

One of the underlying principles of a flat or fixed fee structure is to create a mutually beneficial arrangement that facilitates the development of a long-term partnership, in which financial risk and rewards are shared between the client and Littler. To ensure that the arrangement yields these mutual benefits, and to address any significant changes in volume or scope of work, we often work with clients to develop a “fee collar” or risk-sharing mechanism to be applied at specified intervals (e.g., at the end of a contract year, matter or phase).

This mechanism allows for a fee adjustment if actual fees incurred are a set percentage higher or lower than the fixed fee. Littler tracks actual hours worked, calculates the value at agreed-on hourly rates, and compares that value to the fixed fee. Littler and the client jointly review the comparison and determine whether an adjustment will be applied. Using a 10% collar as an example, for illustrative purposes:

- If actual fees fall within plus or minus 10% of the fixed fee, there is no adjustment.
- If actual fees are *less than* 90% of the fixed fee, Littler will refund the difference between 90% and the actual fees incurred.
- If actual fees are *greater than* 110% of the fixed fee, Littler will bill for the difference between the actual fees incurred and 110% of the fixed fee.

## Retention and Reward Approaches

We are willing to demonstrate our commitment to building a long-term, mutually beneficial business relationship with a client by offering a “fees at risk” or “retention and reward” arrangement, also known as a holdback. Under this approach, Littler puts a defined amount of fees at risk, which may be recovered subject to Littler’s performance.

In practice, Littler bills a client under the terms of the pricing agreed to by both parties, less the designated holdback percentage. Littler may recover a portion of or the entire amount withheld, including the possibility of a bonus, depending on the client’s assessment of Littler’s performance. Our performance is assessed at the conclusion of a matter or at periodic intervals, based on mutually agreed-on performance criteria. Following the assessment, the client may pay part or all of the withheld amount and bonus.

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## Blended Rates

For clients who prefer a blended hourly rate structure, we can offer either blended rates for each category of timekeeper (e.g., shareholder, senior associate, junior associate, paralegal), or one blended rate for all attorneys and a second blended rate for paralegals.

We typically review these blended rate arrangements annually to determine whether the rate reflects the complexity of work, geographic distribution and level of service required, and take into account any anticipated changes to the profile of the matters assigned to Littler under the arrangement.

Prepared for

# Pinal County Finance Department

*ROQ-151721 – Section One*

**Ms. Lorina Gillette, CPPB**  
Procurement Office  
**Pinal County Finance Department**  
31 N. Pinal Street, Building A  
Post Office Box 1348  
Florence, Arizona 85132

**March 29, 2016**

**Submitted by:**

Littler Mendelson, P.C.  
Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, Arizona 85016

**Contact:**

**Mark Ogden**  
Shareholder  
(602) 474-3601  
mogden@littler.com

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**PINAL COUNTY**  
*wide open opportunity*

# Offer and Acceptance

Pinal County  
Finance Department  
31 N. Pinal St.  
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## 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.

*J. Mark Ogden*  
Authorized Signature

Shareholder  
Title

Mark Ogden  
Printed Name

3/29/15  
Date

Littler Mendelson, PC  
Company Name

602-474-3600  
Telephone

2425 E. Camelback Road, Suite 900  
Address

Phoenix, Arizona 85016  
City, State, Zip

### For clarification of this offer, contact:

Name: Mark Ogden Phone: 602-474-3600 Fax: 602-957-1801

Email: mogden@littler.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 \_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

Approved as to form:

\_\_\_\_\_  
Pinal County Attorney's Office



 <p><b>PINAL COUNTY</b> <i>wide open opportunity</i></p>	<h2>Addendum Acknowledgement Form</h2>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**ADDENDUM ACKNOWLEDGEMENT FORM**

Solicitation Addendums are posted on the Pinal County website at the following address:  
<http://pinalcountyaz.gov/Purchasing/Pages/CurrentSolicitations.aspx>. It is the responsibility of the Responder to periodically check this website for any Solicitation Addendum.

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

Please sign and date:

<b>ADDENDUM NO. 1</b> Acknowledgement		3/29/16
	Signature	Date
ADDENDUM NO. 2 Acknowledgement	_____	_____
	Signature	Date
ADDENDUM NO. 3 Acknowledgement	_____	_____
	Signature	Date

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

\_\_\_\_\_

Firm

\_\_\_\_\_

Authorized Signature

**RESPONDERS CHECKLIST**

	Yes/No
<p>Did you <b>sign</b> your Offer sheet?  <i>See Page 33 &amp; 34 of this solicitation.</i></p>	Yes
<p>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></p>	Yes
<p>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></p>	Yes
<p>Did you include your W-9 Form?  <i>See page 31 of this solicitation.</i></p>	Yes
<p>Did you include any necessary attachments?</p>	Yes
<p>Is the outside of your sealed submittal marked with the Solicitation #, Due Date and Time?  <i>See page 1 for this information.</i></p>	NA
<p>Did you include one original and the required number of copies?  <i>See page 1 for the quantity.</i></p>	NA
<p>Did you follow the order for submissions of documents?  <i>See Section 3.4 – Offer format in the Special Instructions of this solicitation.</i></p>	Yes
<p>Did you include proof of insurance(s) if requested?</p>	Yes



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/03/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Aon Risk Services Central, Inc. Chicago IL Office 200 East Randolph Chicago IL 60601 USA	<b>CONTACT NAME</b> PHONE (A/C No. Ext): (312) 381-1000 FAX (A/C No.): (312) 381-7007	
	<b>E-MAIL ADDRESS</b>	
<b>INSURED</b> Littler Mendelson, P.C. 650 California Street, 20th Floor San Francisco CA 94108 USA	<b>INSURER(S) AFFORDING COVERAGE</b>	
	INSURER A: Federal Insurance Company	20281
	INSURER B: Sentry Ins A Mutual Company	24988
	INSURER C: Great Northern Insurance Co.	20303
	INSURER D: Lloyd's Syndicate No. 2987	AA1128987
	INSURER E: Scottsdale Ins Company	41297
	INSURER F: Nautilus Insurance Company	17370

**COVERAGES**      **CERTIFICATE NUMBER:** 570061345527      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			3576-71-50 General Liability	04/01/2015	04/01/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
A	<input type="checkbox"/> AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRING AUTOS ONLY			7350-03-78 Auto	04/01/2015	04/01/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION			7978-19-30 Umbrella	04/01/2015	04/01/2016	EACH OCCURRENCE \$2,000,000 AGGREGATE \$2,000,000
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROVISION / EXEMPTION / EXCLUSION OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A	90-17176-02 Workers Compensation	04/01/2015	04/01/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000
D	Lawyer's Prof			QB1504951	09/01/2015	09/01/2016	Per Claim \$10,000,000
F				PLP_1000485 P-2	09/01/2015	09/01/2016	Aggregate \$20,000,000
E				LWS0000346	09/01/2015	09/01/2016	

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 Pinal County and its officers, officials, agents, and employees are added as Additional Insured as respect the General Liability and Automobile Liability. Umbrella is a follow form. 30 day notice of cancellation except 10 days for non-payment. General Liability is primary and non-contributory to other insurance available to the certificate holder, but only to the extent required by written contract with the insured. A waiver of Subrogation applies in favor of Pinal County and its officers, officials, agents, and employees as respect the General Liability, Auto Liability and Workers Compensation for losses arising from work performed by or on behalf of the contractor. AM Best Ratings are A XV or greater.

<b>CERTIFICATE HOLDER</b>  Pinal County Finance Department 31 N. Pinal Street, Bldg. A P.O. Box 1348 Florence, AZ 85132 USA	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  <i>Aon Risk Services Central Inc</i>
---	--

Holder Identifier :

Certificate No : 570061345527

## Liability Insurance

### Endorsement

*Policy Period* APRIL 1, 2015 TO APRIL 1, 2016  
*Effective Date* APRIL 1, 2015  
*Policy Number* 3576-71-50 EUC  
*Insured* LITTLER MENDELSON PC  
*Name of Company* GREAT NORTHERN INSURANCE COMPANY  
*Date Issued* APRIL 30, 2015

This Endorsement applies to the following forms:

#### GENERAL LIABILITY

Under Who Is An Insured, the following provision is added.

#### Who Is An Insured

##### Additional Insured - Scheduled Person Or Organization

Persons or organizations shown in the Schedule are **insureds**; but they are **insureds** only if you are obligated pursuant to a contract or agreement to provide them with such insurance as is afforded by this policy.

However, the person or organization is an **insured** only:

- if and then only to the extent the person or organization is described in the Schedule;
- to the extent such contract or agreement requires the person or organization to be afforded status as an **insured**;
- for activities that did not occur, in whole or in part, before the execution of the contract or agreement; and
- with respect to damages, loss, cost or expense for injury or damage to which this insurance applies.

No person or organization is an **insured** under this provision:

- that is more specifically identified under any other provision of the Who Is An Insured section (regardless of any limitation applicable thereto).
- with respect to any assumption of liability (of another person or organization) by them in a contract or agreement. This limitation does not apply to the liability for damages, loss, cost or expense for injury or damage, to which this insurance applies, that the person or organization would have in the absence of such contract or agreement.

---

**Liability Endorsement**

(continued)

Under Conditions, the following provision is added to the condition titled Other Insurance.

**Conditions**

*Other Insurance –  
Primary, Noncontributory  
Insurance – Scheduled  
Person Or Organization*

If you are obligated, pursuant to a contract or agreement, to provide the person or organization shown in the Schedule with primary insurance such as is afforded by this policy, then in such case this insurance is primary and we will not seek contribution from insurance available to such person or organization.

---

*Schedule*

Persons or organizations that you are obligated, pursuant to a contract or agreement, to provide with such insurance as is afforded by this policy.

All other terms and conditions remain unchanged.

Authorized Representative



---

**Conditions**

*(continued)*

**Transfer Or Waiver Of  
Rights Of Recovery  
Against Others**

We will waive the right of recovery we would otherwise have had against another person or organization, for loss to which this insurance applies, provided the **insured** has waived their rights of recovery against such person or organization in a contract or agreement that is executed before such loss.

To the extent that the **insured's** rights to recover all or part of any payment made under this insurance have not been waived, those rights are transferred to us. The **insured** must do nothing after loss to impair them. At our request, the **insured** will bring **suit** or transfer those rights to us and help us enforce them.

This condition does not apply to **medical expenses**.

---

*Reference Copy*

## COMMERCIAL AUTOMOBILE

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

### COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

This endorsement modifies insurance provided under the following:

#### BUSINESS AUTO COVERAGE FORM

This endorsement modifies the Business Auto Coverage Form.

##### 1. EXTENDED CANCELLATION CONDITION

Paragraph A.2.b. - CANCELLATION - of the COMMON POLICY CONDITIONS form IL 00 17 is deleted and replaced with the following:

- b. 60 days before the effective date of cancellation if we cancel for any other reason.

##### 2. BROAD FORM INSURED

###### A. Subsidiaries and Newly Acquired or Formed Organizations As Insureds

The Named Insured shown in the Declarations is amended to include:

1. Any legally incorporated subsidiary in which you own more than 50% of the voting stock on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an "insured" under any other automobile policy or would be an "insured" under such a policy but for its termination or the exhaustion of its Limit of Insurance.
2. Any organization that is acquired or formed by you and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:
  - (a) That is an "insured" under any other automobile policy;
  - (b) That has exhausted its Limit of Insurance under any other policy; or
  - (c) 180 days or more after its acquisition or formation by you, unless you have given us written notice of the acquisition or formation.

Coverage does not apply to "bodily injury" or "property damage" that results from an "accident" that occurred before you formed or acquired the organization.

###### B. Employees as Insureds

Paragraph A.1. WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add the following:

- d. Any "employee" of yours while using a covered "auto" you don't own, hire or

borrow in your business or your personal affairs.

##### C. Lessors as Insureds

Paragraph A.1. WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add the following:

- e. The lessor of a covered "auto" while the "auto" is leased to you under a written agreement if:
  - (1) The agreement requires you to provide direct primary insurance for the lessor; and
  - (2) The "auto" is leased without a driver. Such leased "auto" will be considered a covered "auto" you own and not a covered "auto" you hire. However, the lessor is an "insured" only for "bodily injury" or "property damage" resulting from the acts or omissions by:
    1. You;
    2. Any of your "employees" or agents; or
    3. Any person, except the lessor or any "employee" or agent of the lessor, operating an "auto" with the permission of any of 1. and/or 2. above.

##### D. Persons And Organizations As Insureds Under A Written Insured Contract

Paragraph A.1. WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add the following:

- f. Any person or organization with respect to the operation, maintenance or use of a covered "auto", provided that you and such person or organization have agreed under an express provision in a written "insured contract", written agreement or a written permit issued to you by a governmental or public authority to add such person or organization to this policy as an "insured". However, such person or organization is an "insured" only:

- (1) with respect to the operation, maintenance or use of a covered "auto"; and
- (2) for "bodily injury" or "property damage" caused by an "accident" which takes place after:
  - (a) You executed the "insured contract" or written agreement; or
  - (b) The permit has been issued to you.

3. **FELLOW EMPLOYEE COVERAGE**  
 EXCLUSION B.5. - FELLOW EMPLOYEE - of SECTION II - LIABILITY COVERAGE does not apply.

4. **PHYSICAL DAMAGE - ADDITIONAL TEMPORARY TRANSPORTATION EXPENSE COVERAGE**  
 Paragraph A.4.a. - TRANSPORTATION EXPENSES of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to provide a limit of \$50 per day for temporary transportation expense, subject to a maximum limit of \$1,000.

5. **AUTO LOAN/LEASE GAP COVERAGE**  
 Paragraph A.4. - COVERAGE EXTENSIONS of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to add the following:

- c. **Unpaid Loan or Lease Amounts**  
 In the event of a total "loss" to a covered "auto", we will pay any unpaid amount due on the loan or lease for a covered "auto" minus:
  - 1. The amount paid under the Physical Damage Coverage Section of the policy; and
  - 2. Any:
    - a. Overdue loan/lease payments at the time of the "loss";
    - b. Financial penalties imposed under a lease for excessive use, abnormal wear and tear or high mileage;
    - c. Security deposits not returned by the lessor;
    - d. Costs for extended warranties, Credit Life Insurance, Health, Accident or Disability Insurance purchased with the loan or lease; and
    - e. Carry-over balances from previous loans or leases.

We will pay for any unpaid amount due on the loan or lease if caused by:

- 1. Other than Collision Coverage only if the Declarations indicate that Comprehensive Coverage is provided for any covered "auto";
- 2. Specified Causes of Loss Coverage only if the Declarations indicate that Specified Causes of Loss Coverage is provided for any covered "auto"; or
- 3. Collision Coverage only if the Declarations indicate that Collision Coverage is provided for any covered "auto".

6. **RENTAL AGENCY EXPENSE**  
 Paragraph A.4. - COVERAGE EXTENSIONS of

SECTION III - PHYSICAL DAMAGE COVERAGE is amended to add the following:

d. **Rental Expense**  
 We will pay the following expenses that you or any of your "employees" are legally obligated to pay because of a written contract or agreement entered into for use of a rental vehicle in the conduct of your business:

- MAXIMUM WE WILL PAY FOR ANY ONE CONTRACT OR AGREEMENT:**
- 1. \$2,500 for loss of income incurred by the rental agency during the period of time that vehicle is out of use because of actual damage to, or "loss" of, that vehicle, including income lost due to absence of that vehicle for use as a replacement;
  - 2. \$2,500 for decrease in trade-in value of the rental vehicle because of actual damage to that vehicle arising out of a covered "loss"; and
  - 3. \$2,500 for administrative expenses incurred by the rental agency, as stated in the contract or agreement.
  - 4. \$7,500 maximum total amount for paragraphs 1., 2. and 3. combined.

7. **EXTRA EXPENSE - BROADENED COVERAGE**  
 Paragraph A.4. - COVERAGE EXTENSIONS of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to add the following:

e. **Recovery Expense**  
 We will pay for the expense of returning a stolen covered "auto" to you.

8. **AIRBAG COVERAGE**  
 Paragraph B.3.a. - EXCLUSIONS of SECTION III - PHYSICAL DAMAGE COVERAGE does not apply to the accidental or unintended discharge of an airbag. Coverage is excess over any other collectible insurance or warranty specifically designed to provide this coverage.

9. **AUDIO, VISUAL AND DATA ELECTRONIC EQUIPMENT - BROADENED COVERAGE**  
 Paragraph C.2. - LIMIT OF INSURANCE of SECTION III - PHYSICAL DAMAGE is deleted and replaced with the following:

- 2. \$2,000 is the most we will pay for "loss" in any one "accident" to all electronic equipment that reproduces, receives or transmits audio, visual or data signals which, at the time of "loss", is:
  - a. Permanently installed in or upon the covered "auto" in a housing, opening or other location that is not normally used by the "auto" manufacturer for the installation of such equipment;
  - b. Removable from a permanently installed housing unit as described in Paragraph 2.a. above or is an integral part of that equipment; or

c. An integral part of such equipment.

**10. GLASS REPAIR WAIVER OF DEDUCTIBLE**

Under Paragraph D. DEDUCTIBLE of SECTION III - PHYSICAL DAMAGE COVERAGE the following is added:

No deductible applies to glass damage if the glass is repaired rather than replaced.

**11. TWO OR MORE DEDUCTIBLES**

Paragraph D. DEDUCTIBLE of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to add the following:

If this Coverage Form and any other Coverage Form or policy issued to you by us that is not an automobile policy or Coverage Form applies to the same "accident", the following applies:

1. If the deductible under this Business Auto Coverage Form is the smaller (or smallest) deductible, it will be waived; or
2. If the deductible under this Business Auto Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

**12. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS**

Paragraph A.2.a. - DUTIES IN THE EVENT OF AN ACCIDENT, CLAIM, SUIT OR LOSS of SECTION IV - BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

a. In the event of "accident", claim, "suit" or "loss" you must promptly notify us when the "accident" is known to:

- (1) You or your authorized representative, if you are an individual;
- (2) A partner, or any authorized representative, if you are a partnership;
- (3) A member, if you are a limited liability company; or
- (4) An executive officer, insurance manager, or authorized representative, if you are an organization other than a partnership or limited liability company.

Knowledge of an "accident", claim, "suit" or "loss" by other persons does not imply that the persons listed above have such knowledge. Notice to us should include:

- (1) How, when and where the "accident" or "loss" occurred;
- (2) The "insured's" name and address; and
- (3) To the extent possible, the names and addresses of any injured persons or witnesses.

**13. WAIVER OF SUBROGATION**

Paragraph A.5. TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US of SECTION IV - BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

5. We will waive the right of recovery we would otherwise have against another person or organization for "loss" to which this insurance applies, provided the "insured" has waived their rights of recovery against such person or organization under a contract or agreement that is entered into before such "loss"

To the extent that the "insured's" rights to recover damages for all or part of any payment made under this insurance has not been waived, those rights are transferred to us. That person or organization must do everything necessary to secure our rights and must do nothing after "accident" or "loss" to impair them. At our request, the insured will bring suit or transfer those rights to us and help us enforce them.

**14. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS**

Paragraph B.2. - CONCEALMENT, MISREPRESENTATION or FRAUD of SECTION IV - BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not void coverage under this Coverage Form because of such failure.

**15. AUTOS RENTED BY EMPLOYEES**

Paragraph B.5. OTHER INSURANCE of SECTION IV - BUSINESS AUTO CONDITIONS is amended to add the following:

- c. Any "auto" hired or rented by your "employee" on your behalf and at your direction will be considered an "auto" you hire. If an "employee's" personal insurance also applies on an excess basis to a covered "auto" hired or rented by your "employee" on your behalf and at your direction, this insurance will be primary to the "employee's" personal insurance.

**16. HIRED AUTO COVERAGE TERRITORY**

Paragraph B.7.b.(5). (a) POLICY PERIOD, COVERAGE TERRITORY of SECTION IV - BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

- (a) A covered "auto" of the private passenger type is leased, hired, rented or borrowed without a driver for a period of 45 days or less; and

**17. RESULTANT MENTAL ANGUISH COVERAGE**

Paragraph C. of - SECTION V - DEFINITIONS is deleted and replaced by the following:

"Bodily injury" means bodily injury, sickness or disease sustained by any person, including mental anguish or death as a result of the "bodily injury" sustained by that person.



SENTRY CASUALTY COMPANY  
Carrier Code No. 37877

WORKERS' COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY

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POLICY NUMBER: 90-17176-02 00 151

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WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

Schedule

"ALL WRITTEN CONTRACTS PROVIDED SUCH CONTRACT WAS MADE PRIOR TO LOSS"

WC 00 03 13 (Ed. 04-84)

Copyright 1983 National Council on Compensation Insurance.

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04-01-15  
PAGE 001

LITTLER MENDELSON, P.C.

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Prepared for

# Pinal County Finance Department

*ROQ-151721 – Section Two*

**Ms. Lorina Gillette, CPPB**  
**Procurement Office**  
**Pinal County Finance Department**  
31 N. Pinal Street, Building A  
Post Office Box 1348  
Florence, Arizona 85132

**March 29, 2016**

**Submitted by:**

Littler Mendelson, P.C.  
Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, Arizona 85016

**Contact:**

**Mark Ogden**  
Shareholder  
(602) 474-3601  
mogden@littler.com

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## APPENDICES

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# Response Form 1

	<p>RESPONSE FORM 1 ROQ-151721 SPECIALTY LEGAL SERVICES</p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**Responder Name:** Mark Ogden, Shareholder, Littler Mendelson, PC

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: Littler Mendelson, PC

Mailing Address: Camelback Esplanade, 2425 E Camelback Rd, Suite 900

City: Phoenix State: AZ Zip Code: 85016

Representative Name: Mark Ogden Title: Shareholder

Phone Number: (602) 474-3601 Fax Number: (602) 957-1801

Email Address: mogden@littler.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: 25 years

1.4 How many years of experience does the key employee have: 25 years

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

If yes, identify who: Mark Ogden

 <b>PINAL • COUNTY</b> <i>wide open opportunity</i>	<b>RESPONSE FORM 1</b> <b>ROQ-151721</b> <b>SPECIALTY LEGAL SERVICES</b>	<b>Pinal County</b> <b>Finance Department</b> <b>31 N. Pinal St.</b> <b>Bldg. A</b> <b>P.O. Box 1348</b> <b>Florence, AZ 85132</b>
--	--	---

Liaison Phone: \_\_\_\_\_ (602) 474-3601 \_\_\_\_\_

Liaison Email Address: \_\_\_\_\_ mogden@littler.com \_\_\_\_\_

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

**2 Areas of Practice**

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

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

General litigation		
Health care, including public health and managed care		
Housing		
Immigration law		
Infrastructure design		
Insurance contracts		
Intellectual property		
Labor law and employment	<b>X</b>	
Land use		
Legislative matters		
Medical malpractice		
Mental Health		
Planning and zoning		
Probate litigation		
Property tax appeals, tax lien sales and foreclosures, Treasurer's matters		
Public contracts and procurement		
Public official liability		
Public fiduciary		
Real estate transactions		
Road design, construction or maintenance liability		
Section 1983 civil rights defense	<b>X</b>	
Special taxing district law		
Tort liability		

	<p><b>RESPONSE FORM 1</b>  <b>ROQ-151721</b>  <b>SPECIALTY LEGAL SERVICES</b></p>	<p><b>Pinal County</b>  <b>Finance Department</b>  <b>31 N. Pinal St.</b>  <b>Bldg. A</b>  <b>P.O. Box 1348</b>  <b>Florence, AZ 85132</b></p>
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**3 References**

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

1. Company Name: Maricopa County Office of General Litigation Services  
 Address: 301 West Jefferson, 10th Floor, Phoenix, AZ 85003  
 Contact Person: Wade R. Swanson, Director & General Counsel  
 Phone: (602) 506-7177 Email Address: swansonw@mail.maricopa.gov  
 Project Name: \_\_\_\_\_
  
2. Company Name: City of Mesa  
 Address: 20 E Main, Suite 850, Mesa, AZ 85211-1466  
 Contact Person: Marc Steadman, Assistant City Attorney  
 Phone: (480) 644-4111 Email Address: marc.steadman@mesaaz.gov  
 Project Name: \_\_\_\_\_
  
3. Company Name: Maricopa County Community College District  
 Address: 2411 W 14th St, Tempe, AZ 85281  
 Contact Person: Lee Combs, General Counsel  
 Phone: (480) 731-8878 Email Address: lee.combs@domail.maricopa.edu  
 Project Name: \_\_\_\_\_
  
4. Company Name: State of Arizona  
 Address: 1818 West Adams, Phoenix, AZ 85007  
 Contact Person: Dawn Northup, Chief of Civil Agency Division  
 Phone: (602) 542-8872 Email Address: Dawn.Northup@azag.gov  
 Project Name: \_\_\_\_\_

 <p>PINAL COUNTY <i>wide open opportunity</i></p>	<p>RESPONSE FORM 1 ROQ-151721 SPECIALTY LEGAL SERVICES</p>	<p>Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132</p>
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**4 Prior Experience**

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

*Please see pages 6 to 28 of this Section Two of the proposal.*

**5. Resumes**

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

*Please see pages 29 to 81 of this Section Two of the proposal.*

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



## Introduction

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Thank you for the opportunity to present Littler's qualifications and capabilities to provide specialty legal services to the Pinal County Attorney's Office. This proposal responds to ROQ# 151721 and presents our credentials to provide legal services in these three areas: Labor Law and Employment; General Government Practice (open meetings, public records, etc.); and Section 1983 Civil Rights Defense. Littler has served as counsel to the Pinal County Attorney's Office for Bunge for over a decade, and we look forward to continuing our partnership.

With more than 1,000 lawyers and over 70 offices, including Phoenix, Littler is the world's largest practice exclusively devoted to representing management in employment-related matters. We represent more than 300 governmental employers, including various county governments. We have extensive legal experience in every facet of these relationships.

We provide advice to government entities across a broad spectrum of legal issues, and we do so with an informed awareness of the special constraints and imperatives which confront public entities in particular. We will continue to leverage that experience to assist the Pinal County Attorney's Office in achieving your goals efficiently.

Here are just a few examples of how we can help you meet your goals while providing high-quality, cost-effective legal services:

- We have developed strong subject-matter expertise through our vast network of global thought leaders on all areas of employment and labor law.
- We invest in research and development to create products and services, such as [Littler CaseSmart<sup>®</sup>](#), [Littler GPS<sup>®</sup>](#), and [ComplianceHR](#) to offer new and alternative ways of delivering legal services that maximize efficiencies and control costs.
- We offer the advantage of local counsel who bring the knowledge, expertise and familiarity of the jurisdictions in which they practice, backed by the additional experience, expertise and resources of a global employment and labor law practice.
- Littler values diversity and inclusion and our lawyers and culture reflect those values. We always rank at the top across the broad range of diversity metrics.
- We have a collaborative approach to the practice of law and client services, which is aided by our continuous focus on new and advancing technologies.
- Our pricing and project management teams help us develop alternative fee arrangements that enable us to meet your needs, give you pricing predictability, and achieve expectations on any project.
- Our goal is to provide exceptional client service and our priority and focus is to deliver that to you. To learn more visit: [Our Client Service Guarantee<sup>™</sup>](#).

Please do not hesitate to contact us if you have questions or would like further information about any aspect of our proposal. We look forward to continuing our partnership with the Pinal County Attorney's Office to support the achievement of your goals.



## Public Sector Experience

---

As the nation's largest employment and labor law practice, Littler understands the complex workplace challenges faced by today's public and quasi-public employers. Every day, our attorneys help such clients across the nation manage the myriad legal issues that affect the workplace, as well as the unique hurdles and opportunities faced by public sector entities.

Littler has extensive public sector experience. We serve more than 300 governmental employers, including cities and counties; state agencies; airport authorities; transit districts; housing authorities; school districts; universities and community college districts; academic medical centers and public hospitals; courts; and water, fire, public utility and hospital districts.

Our attorneys assist public sector clients with some of today's most challenging workplace issues, such as OSHA and workers' compensation claims, employment litigation, defense of class actions, employee privacy issues, discrimination and harassment claims, employee benefits, executive compensation, taxation, and wage and hour issues.

We also represent many public sector clients in labor relations matters, which can pose unique issues in the public context. According to statistics from the U.S. Department of Labor, in 2015 the union membership rate for public sector workers (35.2%) was more than five times higher than the rate for private sector workers (6.7%). Because of budget deficits at the local, state and federal levels, relations with public sector unions have become demanding and often politically charged.

Littler works with elected officials and administrative managers to identify the public entity's financial and service priorities and make strategic decisions during collective bargaining to achieve their goals. Whenever possible, we help public sector clients use negotiations at the bargaining table to reduce costs, maintain good employee relations and secure other favorable outcomes.

Our recent experience assisting public sector entities covers a wide variety of legal matters, such as:

- Advice and counsel on open meeting and public records laws and related public sector-related issues;
- Day-to-day counseling on employment-related taxation, civil service, contract, benefits, FMLA, ADA, ADEA and FLSA issues;
- Collective bargaining negotiations to achieve significant healthcare reform and modest wage increases;
- Labor relations and contract compliance advice;
- Defense of challenges by unions to layoffs, including police and fire personnel;
- Defense of major arbitrations;
- Defense of claims before state public employee relations boards;
- Defense of race and sex discrimination lawsuits;
- Defense of wage and hour claims;
- Defense against public records requests, Section 1983 allegations and wrongful discharge matters; and
- Safety force and non-safety force negotiations.



## Employment and Labor Law Services

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At Littler, clients enjoy the value and benefit of our experience across the entire spectrum of employment and labor law. We assist employers with everything from employee handbooks to EEOC charges and high-stakes litigation, as broadly outlined below.

### Advice and Counsel

We provide clients with practical, timely advice on the wide range of employment-related issues that organizations confront daily, including wage and hour, employee leave, employee benefits, hiring and performance management. Because all our attorneys practice employment or labor law, each with their own particular focus, Littler's depth of practice also encompasses related areas such as business restructuring, non-competition and trade secrets, privacy and data security and immigration.

More than 70 of our attorneys formerly served in federal and state agencies, enabling us to provide counsel grounded in an understanding of the regulators' perspectives on employers' positions. Our collective experience spans the EEOC, DOJ, NLRB, DOL, IRS, Social Security Administration, Department of Health and Human Services, and congressional staff, among others. As just one example, Littler is now home to a former administrator of the U.S. Department of Labor's Wage and Hour Division.

With our diverse expertise, we can quickly address obscure or complex issues – thus minimizing costs for research. Littler's culture and our knowledge management systems encourage collaboration, so that no matter whom or when you call, you will have access to the collective knowledge of our more than 1,000 employment attorneys.

In addition, Littler goes beyond merely answering employment law questions as they arise. We consider it a core function to aid our clients' compliance efforts through forward-looking measures that can help prevent or minimize legal problems. We assist many clients with proactive strategies such as review or audit of employment policies and practices; customized compliance training; multi-state surveys and legislative updates; and educational publications and events designed for in-house legal counsel, HR managers and executives.

### Affirmative Action/OFCCP Compliance

Littler helps entities maintain compliance with a litany of strict, detailed regulations promulgated by the OFCCP, including the vast network of procedures and rules that accompany these sought-after government contracts. In recent years, the OFCCP has intensified its enforcement of laws requiring federal contractors to show that they are not discriminating against employees or job applicants and are engaging in good-faith efforts to ensure equal employment opportunities for women, minorities, individuals with disabilities and veterans. We assist employers of all sizes in complying with detailed recordkeeping requirements, conducting sophisticated data analyses and keeping up with changing regulatory requirements.

Littler's OFCCP practice includes a team of dedicated lawyers and data analysts who have years of experience preparing affirmative action plans and analyzing relevant data. We have developed an



efficient staffing model and streamlined processes to provide cost-effective services. Our team operates efficiently because we know what is required, how the law is enforced and what to anticipate. Our lawyers have the expertise to prepare annual AAPs and develop desk audit submissions with the same sophistication that the OFCCP brings in evaluating them.

## Appellate Practice

A case may be won or lost at trial, but often a further test of a successful law firm is whether it can prevail on appeal. Over the years, we have represented employers in some of the nation's most influential labor and employment law appellate cases, including before the U.S. Supreme Court.

When we undertake representation in a case, we are prepared to represent our clients throughout the trial and the appellate process. Because of our exclusive focus on employment and labor issues, we can quickly identify the key appellate issues in a case and frame our arguments in a succinct, clear and persuasive style.

We handle all aspects of the appellate process, including writs and other extraordinary relief. We also have extensive experience assisting clients with amicus curiae briefs.

At all times, we strive to provide our clients with efficient and effective representation, and to respond quickly to their questions. We also protect our clients' best interests by gauging the cost-effectiveness of filing an appeal and the possible results.

Littler has the distinction of having won four cases before the U.S. Supreme Court since 2010:

Achieved victory before the U.S. Supreme Court in ***U.S. Airways v. McCutchen***, 133 S.Ct. 1537 (2013), an ERISA case hinging on judicial interpretation of plan terms. The plan document required the participant to reimburse the plan for benefits paid, after he later obtained an insurance recovery for injuries caused by an accident. The district court ruled in the plan's favor, finding it entitled to 100% reimbursement; the Third Circuit reversed, creating a circuit split. The Supreme Court reversed the Third Circuit, declaring that the plan "*is at the center of ERISA. And precluding . . . equitable defenses from overriding plain contract terms helps it remain there.*" (Emphasis added.) The decision gives clear guidance that plan provisions will be enforced by the courts as written, and it prevents individual judges from rewriting plan terms according to their own notions of equity.

Prevailed before the U.S. Supreme Court in ***Rent-A-Center West v. Jackson***, 130 S.Ct. 2772 (2010). At issue was the fundamental question of whether questions regarding unconscionability of the arbitration agreement are to be decided by the arbitrator (Littler's position) or by the court, when the arbitration agreement clearly and unmistakably delegates that authority to the arbitrator. The plaintiff signed an arbitration agreement as part of his employment and later filed a discrimination suit against his employer in federal court. The defendant sought to compel arbitration based on the arbitration agreement, according to the agreement's specific language. The district court ruled in favor of our client, but the Ninth Circuit reversed, stating that the court should decide the threshold question of unconscionability. On appeal, the United States Supreme Court agreed with Littler, reversing the Ninth Circuit and ruling 5-4 in favor of our client.

***Granite Rock Co. v. International Brotherhood of Teamsters***, 130 S.Ct. 2847 (2010), concerned who should decide the effective date of a collective bargaining agreement with a no-strike clause.



The Supreme Court again agreed with Littler's appellate lawyers, ruling 7-2 that it was up to the court to resolve the dispute over the date. On a separate issue, the justices remanded the case to allow our client to proceed against the international parent union on the theory that the local union was acting as the international's agent in breaching the no-strike agreement.

***Integrity Staffing Solutions, Inc. v. Busk*** (2014) began as a class action by warehouse workers who claimed that they, and workers like them across the country, should be paid for post-shift security screening time. The Ninth Circuit held that such time could be compensable under the FLSA (*Busk et al. v. Integrity Staffing Solutions, Inc.*, 713 F.3d 525 (2013)). The U.S. Supreme Court disagreed and took issue with the Ninth Circuit's interpretation of the "integral and indispensable" test, saying that it erred by focusing on whether the particular activity at issue was required by the employer. The Supreme Court concluded, therefore, that time spent in security screenings performed after the conclusion of the plaintiffs' shifts is not compensable under the FLSA.

## Background Checks

Perhaps now more than ever before, employers are relying on background checks of job applicants and employees to, among other things, maintain a safe and secure working environment and satisfy contractual and statutory requirements. In 2011, no less authority than the United States Supreme Court acknowledged the legitimate interest that employers have in conducting employment-related background checks in *NASA v. Nelson*, 09-530 (Jan. 12, 2011). In conducting these investigations, however, entities still must navigate a complex maze of federal, state and local requirements and make certain necessary business decisions about the associated legal risks.

Our lawyers assist employers in protecting their business interests while also taking efforts to minimize the risk of costly litigation and burdensome administrative actions. We help our clients by making sure that their investigative procedures comply with federal, state and local discrimination and privacy laws, including Title VII of the Civil Rights Act of 1964 and the Fair Credit Reporting Act.

Recently, the Internet has opened up a vast network of publicly accessible information about job applicants and employees – and created new litigation risks. We guide our clients through this emerging area of employment law, counseling them on what information they can and cannot use.

Additional services we provide include the following:

- Analyzing and establishing the recommended infrastructure for multistate pre-employment and employment-related screening programs;
- Reviewing the paperwork used to support the process, including authorization and disclosure forms and "adverse action" letters;
- Reviewing the "end-user" or subscriber agreements between employers and screening firms; and
- Defending employers and background check companies in civil and administrative litigation.

## Contingent Workers

U.S. laws impacting the proper classifications of workers, and whether multiple entities should jointly be held responsible for compliance with worker rights are complex and wide-spread. Importantly, the consumers and providers of staffing and contingent worker services often assume radically different levels of legal risk depending on the nature of the contractual relationships, the degree of quality control and operational responsibility exercised, and the location of where the services are provided.

Every major federal and state labor and employment law has distinct and unique methods for determining whether a joint employment or co-employment relationship exists. In general, courts will strive to find joint responsibility for compliance with worker rights and related tax and pay practice obligations. Similarly, many state legislatures are enacting new laws directly regulating the obligations and rights in these relationships in an effort to capture identified lost revenue streams. The consequence is a plethora of federal and state regulation, with often similar but rarely identical rules and obligations.

Littler has extensive legal experience in every facet of these relationships. In addition to litigating joint employer status and alleged contractor misclassification in virtually every court and administrative, arbitral, or tax venue, Littler provides legal consultation and legal implementation of the initial work-force design, including legal risk assessments of business staffing options, drafting and revising associated contracts, and preparing model contractor and master service agreements. Littler can provide legal exposure assessments and audits of existing staffing and contingent worker relationships prior to the receipt of an audit or lawsuit. Most recently, consulting and litigation efforts have focused on ACA compliance, OSHA's temporary worker initiative, the NLRB's attempt to broaden the definition of employer to include franchisors and clients of staffing firms and assisting with class actions and audits alleging worker misclassification under state laws.

Littler has deep bench strength nationally representing both consumers and providers of staffing services or other contingent workers. Regardless of whether the legal issues involve: the ACA, tax assessments, unpaid wages or overtime, bargaining relationship obligations, benefit plans, worker safety, equal employment violations, FMLA, ADA, WARN or any other employment issue – we have the experience to defend cases, help address client questions, and offer practical advice regarding the contingent workforce.

## Digital Workplace

Employers are providing employees with a host of electronic resources to make the office and its resources available to employees anytime and anywhere. But that accessibility raises many opportunities for abuse, which may result in employment litigation involving wage and hour laws, workplace safety, labor laws, competition and trade secrets, and international laws.

Technology continues to progress at an unprecedented pace. As it does, companies and other entities will find new ways to incorporate it into their business practices and require employees to use it to do their jobs more effectively and realize employer business goals more efficiently. The law is beginning to catch up to the new employment issues arising in the digital workplace, but has been more reactive in responding to suits that have been filed than proactive in providing employers with guidelines to follow.



The attorneys at Littler work proactively with clients to prevent litigation and ensure employees know their rights and responsibilities when using company-provided technology. Littler attorneys have developed practical recommendations for employees to work with electronic resources while meeting a variety of employment law requirements.

Littler also works with clients to reduce employment-related litigation on the information superhighway and develop essential tools for employers to use in the digital age. As technology evolves, so does employment law in the digital workplace. Littler attorneys work with clients to develop and implement preventive programs and keep companies abreast of new developments with timely updates.

## Discrimination and Harassment Claims

Since the first civil rights laws were passed in the 1960's, Littler has counseled employers on complying with equal employment opportunity laws and defended employers in discrimination, harassment and retaliation lawsuits and regulatory investigations. To this day, Littler's exclusive focus on employment law permits us to have a select group of attorneys focus their practice on federal and state equal employment opportunity laws and the nuanced issues that arise under them.

### Attentive Defense of Litigation

At Littler, we approach an employer's case with the understanding that litigation can be both costly and time-consuming, and, therefore, we collaborate with our clients on a strategy from the outset.

We know the case law and regulations because we deal with them on a daily basis. We are familiar with the jurists we practice before and often the opposing counsel. The combined depth of knowledge of the law and the understanding of the practices of various jurisdictions allows us to counsel proactively and defend employers efficiently.

Littler has successfully handled cases in state and federal courts throughout the United States, including individual and class actions, as well as systemic and pattern or practice lawsuits filed by the EEOC.

### Defending Employers Before the EEOC and Other EEO Agencies

At Littler, our team includes lawyers who have worked for the EEOC and state equal employment agencies, former Congressional staffers who helped draft pertinent EEO-related legislation and leaders of the EEO Committee of the ABA Labor and Employment Section, who have worked in tandem with various Chairs, Commissioners and senior leadership of the EEOC. These attorneys' prior experience provides Littler with the distinct ability to understand an agency's perspective during an initial investigation of an EEO-charge through trial.

Littler also closely monitors EEOC public hearings, court filings, settlements and court opinions to best advise clients of recent EEOC developments.

Littler attorneys have represented employers in thousands of EEO agency proceedings, and the practice has developed a strong focus on assisting employers with systemic and pattern or practice investigations.



## Counseling and Training

A signature of Littler's practice is our ability to help employers comply with equal employment opportunity laws and take precautionary measures to deter litigation. We frequently assist employers in developing legally compliant policies, counsel employers on employment-related decisions, review employment policies, provide audit services to employers to proactively assess and correct problematic practices, and perform disparate impact analyses to ensure that employment decisions do not adversely affect a protected group.

Littler also offers extensive training programs for employers as part of our overall efforts to work closely with our clients to ensure they are compliant with applicable laws and regulations.

## Drug Testing

Littler has considerable experience with drug testing policy development and is a corporate member of the Drug and Alcohol Testing Industry Association. Nancy Delogu, a Shareholder in our Washington, D.C. office, devotes about 50% of her practice to this area. She is former counsel to the Institute for a Drug-Free Workplace, and co-author of the "Guide to State and Federal Drug Testing Laws," published by a non-profit association.

Nancy is a recognized authority on federal and state drug-free workplace and drug-testing issues and has drafted dozens of substance-abuse prevention policies, including Department of Transportation-mandated programs. She also helps DOT-regulated employers comply with regulations and requirements addressing workplace safety and medical certification. She also counsels clients on implementing reductions-in-force that comply with the federal OWBP and WARN acts and similar state statutes.

We assist our clients with the following:

- Drafting substance abuse policies designed to meet unique employer needs and to comply with the myriad of complex and often conflicting state drug and alcohol testing laws;
- Advising employers with regard to U.S. Department of Transportation and other federal and state regulatory requirements for drug and alcohol testing compliance; and
- Defending employers in litigation brought by the EEOC and individuals, targeted because of their substance abuse programs or practices.

## Employee Benefits

Littler provides efficient, effective representation in all aspects of employee benefits and executive compensation, offering one of the nation's largest and most experienced teams dedicated to this area of law. We help clients design, document, review and operate all types of ERISA and non-ERISA plans and arrangements, including health and welfare, wellness, retirement and supplemental, and incentive bonus and severance plans, as well as conducting compliance training.

We also assist with:

- Executive compensation and employment agreements;



- Issues related to multi-employer plans or collective bargaining;
- Benefits and compensation aspects of corporate transactions, restructurings and RIFs;
- Compliance with HIPAA privacy and security obligations, COBRA, and other ancillary rules that apply to employers;
- Conducting internal audits of benefit plan compliance and advising on self-corrective measures; and
- Defending ERISA litigation and agency audits, often helping to minimize or avoid penalties in DOL and IRS audits.

## Employee Handbook Review

Littler knows how imperative it is for employers to have well-drafted and up-to-date employee handbooks and policies to promote and foster positive employee relations and to protect their interests.

At a time of new regulations and aggressive enforcement, these measures take on even greater importance to avoid increased risks and potential costly penalties. For instance, in the last few years, the National Labor Relations Board (NLRB) and labor unions have used employee handbooks as a platform for challenging employer practices and promoting unionization. Recently, the NLRB filed two complaints against separate employers challenging "at-will" disclaimers found in the companies' employee handbooks. In addition, the NLRB has increased its scrutiny of social media and confidentiality policies, off-duty employee access rules and solicitation and distribution policies, to name a few. Most recently, the NLRB held that an employer may not maintain a blanket rule prohibiting employees from discussing ongoing investigations of employee misconduct.

Littler understands that to best protect an employer's interests, a company's employee handbook must be reviewed and assessed to ensure that it is defensible in the event of claims asserted by employees and independent contractors, or audits or charges from regulatory agencies. Conducting a privileged review of your employee handbook before employees, unions or regulatory agencies challenge the contents is an essential exercise for companies today. Littler can assist an employer to ensure that its employee handbook is in compliance with all applicable laws and regulations and consistent with a company's inherent goals and corporate culture. We work with companies at every stage, assessing their corporate policies, helping them implement state-of-the-art procedures, and auditing them at a client's request to ensure that they comply with the latest legal requirements.

## Employment Litigation and Trials

Littler offers unmatched experience in labor and employment litigation nationwide, from single-plaintiff cases to complex class actions. Even a conservative estimate of the number of litigation-related matters we handled in the past year tops 3,000. Our firm is home to the lead trial attorney on the Lilly Ledbetter case, we have won four U.S. Supreme Court decisions since 2010, and we have achieved numerous awards for legal excellence.

Littler's litigation philosophy focuses on preventing and resolving disputes short of litigation, unless it is necessary or in our client's best interest to take a specific case to court or hearing. When litigation is unavoidable, we always strive to resolve it and achieve our client's goals as efficiently as possible.



Each year, Littler handles more than 3,000 litigation-related matters across the United States. We represent clients in court and administrative proceedings at every level, from single-plaintiff cases and EEOC charges to the most complex class actions, multi-district litigation and appellate proceedings. Our successful track record includes many cases of first impression and four recent U.S. Supreme Court victories.

Our experience, creativity and results have earned Littler a national reputation in all types of employment-related litigation. Many of our cases involve substantive areas such as:

- Discrimination and harassment;
- Wage and hour;
- Disability accommodation;
- Protected leaves;
- Workplace safety;
- Wrongful termination claims;
- Whistleblower and retaliation claims;
- Unfair competition, contract, restrictive covenant and tort claims;
- ERISA and employee benefits;
- Unfair labor practice charges and union-related disputes; and
- Executive contracts and compensation.

## Class Actions

In the past five years, Littler has defended clients in more than 1,700 class and collective actions in cases such as ERISA, discrimination and wage and hour. Our goal is always to help the client achieve the best possible outcome, and we are proud of our track record.

Among the more than 200 lawyers in this practice group, we have a number of nationally-known leaders in statistics, demography and economics – key areas of class actions. We have won many significant federal appellate cases affecting employers, including several rulings on class or collective action certification.

## Wage and Hour

Littler has a large and vastly experienced group of lawyers handling wage and hour disputes, one of the most common claims facing employers today. With the increased number of complaints, our wage and hour lawyers help employers develop strategies to prevail on class certification motions and the merits, address possible violations and limit potential liability that can often amount to millions of dollars. We are well prepared to litigate wage and hour trials before juries.

We have also represented numerous clients facing investigations by the U.S. Department of Labor and state labor departments, as well as various government agencies. Often the best strategy for our client is to resolve the matter at the investigation stage before the matter ever goes to court, and over the years, we have successfully negotiated resolutions that have saved our clients millions of dollars.



## eDiscovery

The explosion of electronically stored information in the workplace has dramatically raised the risks – and costs – in litigation. To address these legal and technological demands, Littler early on assembled a team of attorneys dedicated exclusively to managing eDiscovery issues.

The Littler team, led by one of the nation's premier thought leaders in eDiscovery, has advised attorneys on numerous cases. Our team has developed strategies for efficient data harvesting, review and production, and shifting and reducing costs.

## Immigration and Global Migration

Littler's Global Mobility and Immigration practice group has extensive experience handling inbound, outbound and cross-border transactions offering clients comprehensive mobility solutions. They are seasoned in major work authorization nonimmigrant visa categories, including H-1B visas, TN (NAFTA professional) visas, O-1 visas, L-1A and L-1B intra-company transferee visas. We also provide comprehensive strategies for the permanent residence applications, including PERM applications and EB-1 (extraordinary ability) petitions.

Littler has managed thousands of global migration and immigration matters involving more than 50 countries across the Americas, EMEA and Asia PAC regions. As standard services, we also:

- Prepare and file all types of business-immigration applications;
- Solve seemingly intractable problems at U.S. consulates through our own relationships and our network of troubleshooters and partners in countries around the world;
- Provide on-line secure web access to INSZoom for visa employees and HR to provide real-time information about case-status, "24/7";
- Provide quick, customized reports to facilitate management and planning;
- Analyze the effect of redeployments, layoffs and corporate reorganizations, including reports about individual foreign nationals;
- Provide I-9 assistance to support any model, including outsourcing your I-9s to us; and
- Coordinate immigration services with related employment law issues such as discrimination, employment-at-will, export control and plant shutdowns.

We offer much more than the "commodity" legal service of filing immigration applications – we are strategic partners with a vested interest in your success.

## Labor-Management Relations

Labor law has been a significant part of Littler's practice since the firm's inception more than 70 years ago. Today, we have an experienced, nationwide team of more than 200 traditional labor lawyers with a deep well of knowledge.

Littler has unique insight into agency and union workings at both the national and local levels. More than 30 Littler lawyers previously worked for the NLRB, we have offices within all 26 NLRB regions, and we cultivate strong relationships with the Board and its regional personnel. We also have



extensive experience with all the major unions, including local chapters across the U.S., as well as international affiliates and European works councils.

Our comprehensive representation of employers in their dealings with labor unions includes the following services:

- Advising on positive employee relations and lawfully maintaining union-free relationships with unrepresented employees;
- Helping employers prepare for, and counseling them during, union organizing drives and campaigns;
- Serving as chief negotiators and strategists in collective bargaining, as well as analyzing and interpreting collective bargaining agreements;
- Representing and advising employers in contractual grievance and arbitration proceedings, discipline and discharge cases, and strikes and labor disputes;
- Appearing before the NLRB and state labor relations agencies in representation cases (including under the new NLRB election rules), unfair labor practice litigation, jurisdictional disputes, decertification cases and unit clarification proceedings;
- Counseling on responding to global union corporate campaigns, and negotiating international framework agreements between multinational companies and trade unions.

## Leaves of Absence and Disability Accommodation

Employers face many challenges in managing employee absences, leave entitlements and requests for disability accommodation. These obligations have been compounded by stricter requirements imposed under the Family and Medical Leave Act (FMLA), the Americans with Disabilities Act (ADA), and similar state and local laws. With increased litigation from both administrative agencies and private litigants, employers must deal with a host of legal implications when making decisions on leaves and other accommodations.

Littler attorneys provide our clients with the practical advice necessary to comply with the numerous – and often conflicting – laws and to administer these obligations efficiently within their operations. We also help entities implement internal measures to avoid potential employee abuse of these entitlements.

Employers are under tight government scrutiny in managing leaves, particularly in light of the EEOC's critical view of "maximum leave" and "no-fault attendance" policies. We advise our clients on the circumstances in which they are required to offer leave and the restrictions they may impose generally and in specific situations.

We review and draft notice requirements and related forms for leaves of absences and other employee benefits. With offices throughout the country, we can serve national employers by quickly pulling together a team of experienced attorneys to conduct a thorough and cost-effective review of their policies and practices. We also closely monitor legal developments in this fluid area and provide our clients with updates and timely advice.

## Whistleblowing and Retaliation

A barrage of new legislation and regulation has created significant protections for whistleblowers, triggering a surge in government investigations and employee lawsuits. Littler has some of the most experienced lawyers in handling whistleblower and retaliation issues who have assisted employers by providing advice, developing policies and defending them against claims.

Sarbanes-Oxley and a myriad of other federal and state laws have provided a network of protections for corporate whistleblowers who lodge complaints over age discrimination, wage and hour violations, securities fraud and numerous other areas.

The Dodd-Frank Act of 2010 not only has dramatically expanded the protections for whistleblowers from retaliation – it has taken it one step further. For the first time, the sweeping reform act has created a bounty-hunter program, giving employees even more incentive to blow the whistle on corporate fraud and misconduct.

As lawmakers make it easier for employees to make claims and reap rewards, the number of whistleblower lawsuits has soared. Retaliation claims now appear in more than a third of all claims filed with the EEOC, a significant jump over the past decade.

### Day-to-Day Advice

Amidst the fast-paced changes in the law, employers call us on almost a daily basis, seeking advice on how to deal with potential whistleblower situations. We provide them with clear and practical guidance on the steps they should take to address the issues and avoid a potential retaliation claim.

Our services include:

- Providing advice and counsel on constructing state-of-the-art compliance programs to help avoid liability and insulate a company from whistleblower claims;
- Offering comprehensive training programs for managers on how to handle claims and avoid potential liability;
- Advising clients on how to respond when a complaint is made to avoid potential liability for retaliation; and
- Representing the employers in whistleblower litigation in state or federal court and before the Department of Labor and other government agencies.

### Resources and Training

Our lawyers stay on top of the latest developments and keep our clients informed through an array of reference material, including a nationally recognized authoritative treatise, *Retaliation & Whistleblowing: A Guide for HR Professionals & Counsel*.

We also have one of the most extensive employer training programs of any law firm, providing executives, managers and human resources personnel with up-to-the-minute content through delivery systems that can be tailored to meet client needs.

## Wage and Hour

Wage and hour disputes have become the most common source of substantial, employment-related liability facing employers today. The number of class and collective actions has soared due to plaintiff-friendly laws, mounting government enforcement efforts and the increasing amount of information available to employees. Virtually all aspects of employee compensation have become the target of collective and individual actions in both state and federal courts. Ongoing changes in federal regulations and expanding state regulations add to the compliance challenges facing employers. Only well-informed, well-prepared and well-represented employers can effectively meet what are otherwise burdensome disruptions in time, budgets and employee relations arising from wage and hour litigation and compliance challenges.

We provide employers with the assistance needed to help ensure compliance before litigation commences. Our attorneys help employers recognize and address potential violations that could result in penalties or costly litigation. By providing employers with proactive advice and recommendations, our attorneys offer employers the tools they need to comply with applicable wage and hour laws and regulations, as well as the knowledge required to resolve wage and hour disputes informally as they arise in the workplace.

### Wage and Hour Audits

Littler has established processes to help ensure that our clients receive comprehensive yet practical work product, including legal opinions that will support available good faith defenses in litigation. We are able to identify wage and hour compliance issues, including misclassification, off-the-clock work and incorrect regular rate calculations to help minimize a client's exposure. We conduct wage and hour audits, both comprehensive and focused, for local, regional and national employers. We conduct audits in every industry, including manufacturing, construction, energy, financial services, hospitality, health care, insurance, restaurant, retail, transportation, technology, and telecommunications.

Littler is well positioned to conduct wage and hour audits in an efficient and timely manner due to our proprietary and innovative audit technology. Littler has developed a customizable web-based tool, Audit Quarterback, to help Littler attorneys manage audits. Audit QB is a password-protected application that combines analytic tools with project management, document management and electronic questionnaire functionality. Through Audit QB, Littler attorneys and clients have joint and immediate access to a custom-designed, secure, audit portal housing all information and documents relevant to the audit – including status reports, budget tracking, and an automatically generated privilege log. Our audit process is designed to help our clients stay in compliance in the face of the United States Department of Labor's renewed emphasis on enforcement.

The most challenging aspect of any audit is not identifying legal issues; it is creating solutions. Our attorneys also have substantial experience in fashioning creative, cost-efficient, and practical remedies to legal and personnel issues uncovered during an audit. Our attorneys routinely assist clients with implementing audit results, including reclassifying or restructuring jobs, payment of back wages, and developing communication plans.



## Wage and Hour Compliance

In addition to conducting audits, attorneys also assist clients in developing comprehensive compliance programs that include:

- Establishing compliant payroll systems and pay practices;
- Preparing compliant pay policies and incentive pay plans;
- Developing internal complaint and investigation processes; and
- Implementing computer-based training for non-exempt employees and their immediate supervisors.

### Littler Xmpt

Littler Xmpt is an innovative process developed by experienced wage and hour lawyers to enable employers to effectively prepare for and deal with misclassification claims. Littler Xmpt™ equips management with an effective defense and creates a strong evidentiary record to either defeat an exemption challenge or mitigate the risks.

Littler Xmpt provides several valuable services to our clients, including the following:

- Building a strong evidentiary record to defend against misclassification claims both prior to and during litigation;
- Fortifying internal record-keeping policies; and
- Strengthening good faith defenses under federal law.

Littler's team of wage and hour lawyers has a wealth of experience in assisting employers with misclassification claims, enabling us to anticipate those positions that are the most vulnerable to litigation and to equip employers with the best strategy to fend off legal action.

Finally, the Practice Group's Wage and Hour Counsel blog, ASAPs and Insights, which are available by email subscription, provide timely articles and alerts to keep clients informed of the many changes that are constantly occurring in this important area of law.

## Workers' Compensation

As a national law firm, Littler is able to handle workers' compensation claims swiftly, economically and with our client's best interests in mind. A hallmark of our practice is working with management to resolve claims while making sure that overall business goals are being met – whether it means winning a case, settling it or reaching some other resolution.

We routinely advise employers in workers' compensation settlements, a process that involves complying with state workers' compensation requirements, Medicare reporting and set-aside regulations. We also guide employers through the process of obtaining enforceable releases and waivers of non-workers' compensation claims.



## Litigation and Counseling Experience

If necessary, we will tenaciously defend our clients in litigation with the confidence that comes from handling hundreds of workers' compensation cases each year. We collaborate with employers and insurance carriers to develop strategies that achieve the best possible resolution for the company so that files are closed as quickly as possible, minimizing liability as well as costs. From our years of experience, we know how to be creative in handling difficult cases, always keeping in mind the impact on our clients' overall operations.

Other services we provide include the following:

- Addressing the intersection between workers' compensation and numerous other employment laws, such as ADA, FMLA, OSHA, and FLSA. As a result, we can provide a more complete representation addressing all other aspects of the employment relationship;
- Advising employers on the return-to-work requirements for employees on workers' compensation leave;
- Advising employers on implementing alternative programs in Texas and other states where an employer may opt out of participating in the state workers' compensation system;
- Assisting employers seeking to manage multi-state workers' compensation programs in developing strategies and practices consistent with an employer's policies and labor contracts that comply with state workers' compensation laws and state, federal and local employment laws;
- Defending employers in litigation involving claims of workers' compensation retaliation; and
- Handling injury claims arising under federal laws, including the Jones Act and the Longshore and Harbor Workers' Compensation Act.

We not only provide our clients with the knowledge and experience necessary for the effective management of workers' compensation matters, but we also offer the added value of extensive national resources that enable us to focus on all aspects of state, federal and local employment laws.

## Workplace Privacy and Data Security Practice

Workplace privacy has become a growing concern for employers as new technologies enter the workplace and legislation and case law in the area becomes more complex. In an era of advanced background checks, instant transfers of sensitive personnel information, and pervasive social media activity by employees, Littler advises a wide range of businesses on successfully navigating the intersection of privacy, data protection, and a technology-driven workplace.

Employers face a daunting challenge in addressing concerns about employees and job applicants while complying with an intricate web of federal, state, local and international privacy and data protection laws. We have the experience to help clients avoid costly civil litigation and government-enforcement actions – not to mention the negative publicity and loss of goodwill that often accompany privacy-based disputes.



Our team of lawyers provides employers with the full range of services needed to address emerging privacy and data protection issues. These services are aimed at achieving the following results, among others:

- Reduce the risk of a workplace security breach and respond appropriately when one occurs;
- Assist in complying with the laws and regulations governing employee health information, including HIPAA privacy and security rules, HITECH Act, GINA, and the ADA;
- Develop appropriate policies to regulate the use of the latest technologies that impact the workplace, such as social media, location tracking, data loss prevention software, and e-mail and Internet monitoring;
- Advise businesses of all sizes on the lawful use of background checks for employment purposes;
- Satisfy the requirements of international data protection regimes to ensure the lawful collection, use, and transfer of information about overseas employees;
- Prepare drug and alcohol testing policies and employee assistance agreements that protect the employer and respect employee privacy rights;
- Negotiate outsourcing contracts that protect the employer when third-party service providers breach employee confidentiality; and
- Defend claims alleging a privacy breach.

Littler is at the forefront of this developing area, constantly seeking new ways to help our clients get the greatest benefit from the latest technology while minimizing their exposure to litigation and government enforcement actions.

## Workplace Safety and Health (OSHA & MSHA)

One of the most important responsibilities for employers is providing a safe and healthy workplace for their employees. That obligation has become more challenging due to an increasing number of compliance regulations, policies and interpretations under the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Act (MSHA), and state agencies. Our lawyers help employers meet these requirements, while protecting them from hefty penalties. Employers also rely on us for guidance in situations involving workplace violence, substance abuse and testing.

Employers in a wide variety of industries throughout the nation count on our lawyers to:

- Provide guidance on federal-OSHA/MSHA and corresponding state regulations, advising employers on how the regulations apply to their workplaces and operations;
- Assist clients during OSHA/MSHA inspections, providing advice and representation;
- Be on-the-ground advisors following catastrophic workplace incidents, including accidents and fatalities;
- Represent employers in OSHA/MSHA litigation;
- Conduct compliance assessments and audits for workplace safety and health issues;
- Prepare or review written safety programs, standard operating procedures, workplace safety rules, and employee handbooks for compliance with local, state, and federal statutes;



- Advise employers on substance abuse and testing, including development of legally compliant testing programs; and
- Develop preventative workplace violence programs that meet OSHA standards.

We pride ourselves on our hands-on experience with, and insight into, the complex network of workplace safety regulations. In assisting employers with workplace safety issues, we keep them apprised of any regulatory or administrative changes and potential legal quagmires. We maintain referral resources of certified industrial hygienists, safety professionals and other professional consultants to assist an employer's safety and health needs. We also have extensive training and education programs to provide companies with the tools to maintain a safe workplace that complies with applicable regulations and avoid liability.



## Educational Events and Publications

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Littler's Knowledge Management team is dedicated to harnessing, and making available to you, the collective knowledge of our more than 1,000 labor and employment lawyers. We leverage our experience across the entire spectrum of labor and employment law issues to develop thought-provoking publications, interactive seminars and conferences, and training resources designed to not only keep our clients up to date, but also help them look ahead and prepare for change. Examples are described below.

### Conferences and Briefings

**Regional Conferences and Live Seminars:** Littler organizes live seminars and conferences across our offices nationwide, covering critical employment law topics. This gives our clients' in-house counsel and HR managers access to such events in the jurisdictions where they reside and in which they are responsible for managing employment-related matters. Upcoming events in the Phoenix area include, for instance, "**Ask the Plaintiff's Counsel**," a 90-minute panel presentation with plaintiffs' counsel on their perspective on employment litigation – scheduled for April 7 in Phoenix.

**Webinars:** Our attorneys regularly host CLE- and SPHR-approved webinars on a wide variety of labor and employment topics, with a national or regional focus. These webinars are complimentary for our clients and provide valuable, timely information. Each of our webinars and live seminars focuses on specific employment law issues, such as changes in employee benefits law, FLSA compliance, sexual harassment, combating workplace violence, avoiding litigation and conducting disciplinary investigations, to name only a few.

### Littler Publications

#### News and Analysis

**ASAP® Newsletters:** Delivered via email to opt-in client subscribers, ASAPs are short, timely summaries of employment-related legal and regulatory developments, court decisions, and other breaking news that employers need to know.

**Littler Insights:** From reports on changing laws and regulations to coverage of emerging trends, Littler Insights provide more in-depth analysis, along with proactive tips for employers.

**Littler Reports:** With on-point analysis and uncannily accurate forecasts, Littler Reports provide a comprehensive overview of—and a look ahead at—the employment law trends impacting the workplace now and into the foreseeable future. Written by Littler attorneys who are widely respected authorities in their fields, these white papers delve deeply into particular subject areas. Recent topics include the move toward "Big Data" in employment, determining federal government contractor status and its impact, and our annual report on EEOC developments.

#### Books

**The Employer®:** Littler has written and published this treatise annually for 30 years. Drawing on the collective knowledge of our attorneys nationwide, this series has become the field's preeminent



reference resource, providing practical advice to management on employment and labor relations law. State, regional and national versions are available, all written in a common-sense, accessible style.

**[Littler Mendelson on Employment Law Class Actions:](#)** A thorough overview of the strategic, procedural and legal issues that arise in employment law class and collective actions. The third edition features significant new developments and a new chapter on eDiscovery issues.

**[Whistleblowing & Retaliation: A Guide for HR Professionals & Counsel:](#)** Covers topics such as retaliation and retaliatory discharge claims; Sarbanes-Oxley, and other federal and state statutes; and best practices.

**[Wage and Hour Answer Book:](#)** Organized in a Q&A format, this book explains minimum wage, overtime, and recordkeeping requirements, with real-world examples that simplify complex wage and hour issues. It includes the latest regulatory and case law developments, as well as DOL opinions.

**[Employment Arbitration Agreements: A Practical Guide:](#)** A resource to assist employers, HR executives and legal practitioners in developing and implementing compliant arbitration agreements. Includes 50-state surveys and sample arbitration agreements.

**[Disability Discrimination and the Workplace:](#)** This book gives thorough guidance on the expanded coverage provisions of the ADA Amendments Act (ADAAA) and additional state laws, as well as exploring issues that likely will define disability discrimination litigation in years to come. With a much wider range of conditions now covered, the focus in the workplace is on avoiding discrimination, accommodating employees with disabilities, and guarding employee privacy.

**[Employment Law Trials: A Practical Guide:](#)** Designed to help prepare anyone from a seasoned employment lawyer to a junior litigation associate or personal injury lawyer for the unique aspects of trying an employment case.

## Educational Videos

Our **[Littler Learning Group](#)** provides a wide variety of standard and customized training, as well as content for educational videos and study guides available online.

**[Harassment and Diversity: Respecting Differences:](#)** Harassment is not just about sex—it can also be about race, religion, age, disabilities and other protected characteristics. This dramatized story shows an all-too-common situation, where friction between employees grows from “kidding around” into illegal harassment. Manager and employee versions are available, in English and Spanish.

**[Legal Survival Skills for the Modern Manager:](#)** This video was created to help managers find their way through the maze of employment laws and regulations, while at the same time maximizing the performance of their workers. It shows a scenario in which a new manager takes over a team in the middle of an important project, and our narrator explains critical legal issues as you witness this manager's struggle to win the respect and cooperation of her sometimes unruly crew.



## Knowledge Management and Innovation

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Our in-depth focus on employment law, geographic reach, and resources set Littler apart from many other law firms. However, what truly distinguishes Littler from our competitors is our dedication to – and success in – creating innovative, client-facing technologies and processes that improve the efficient delivery of high-quality legal services. These include the following unique products and service solutions:

[Littler Code of Conduct Builder](#)  
[ComplianceHR](#)

[Littler Home Care Toolkit](#)

[Littler Big Data Initiative](#)

[Littler CaseSmart<sup>®</sup>](#)

[Littler GPS<sup>®</sup>](#)

[Littler Healthcare Reform](#)

[Littler HIPAA Protect](#)

[Littler HR PolicySmart](#)

[Littler LaborSmart](#)

[Littler X-celerator<sup>™</sup>](#)

[Littler Xmpt<sup>®</sup>](#)

[Littler Training - Compliance, Ethics, Leadership](#)  
[Workplace Policy Institute<sup>®</sup>](#)

Many of these resources are developed with the aid of Littler's Knowledge Management (KM) Department, a team of experienced employment attorneys and technologists who specialize in capturing and leveraging our collective knowledge for the benefit of our clients. The KM Department creates and manages form libraries, databases to track proposed laws and regulations nationwide, topical legal updates, and tools that mine useful information from the many thousands of matters Littler has handled.

Below we describe some of Littler's KM resources that are used daily by our clients. We would be pleased to arrange a demonstration of any of Littler's innovative, cost-saving technology and discuss its advantages in more detail.

### Customized Extranets

Littler's Knowledge Management (KM) Department develops specialized extranets that give clients access to a wealth of information and case management tools. Our customized, password-protected extranets are hosted on a secure server. They can accommodate different levels of access so that, for example, information about specific legal matters can be restricted to the few in-house and Littler personnel handling those matters, while information about other matters can be seen by a different in-house and Littler team.

Using the extranet, a client's in house HR, business and management team (along with Littler attorneys and, as appropriate, other outside counsel) can:

- House a wide array of documents, as described below.
- Track case/project calendars, deadlines and action items. If desired, this can include alerts and pushing calendar items into Outlook.
- Retrieve matter status reports and updates, including budget reports.
- Access contact lists and information about Littler team members, in-house team members, outside counsel, expert witnesses, and any other individuals associated with your work.



- Access a custom-built online library of legal research, analysis and other relevant content, including publications written by our attorneys.

By serving as an integrated repository of information with 24/7 access, Littler's extranet helps employers streamline the time-consuming tasks of administering employment policies, compliance and training programs, research, litigation and other legal matters. This efficiency can also help clients save on internal and external legal expenses, while enhancing and standardizing information provided by the Legal Department to its corporate clients.

In addition to the features described above, which can be provided at no cost to the client, an extranet can include optional features such as these subscription-based services:

**Q&A Forum.** In the Q&A forum, your in-house counsel and staff can pose privileged legal questions online to a dedicated team of Littler attorneys with diverse subject-matter expertise. For issues outside our core team's experience, they can immediately reach out to any of Littler's more than 1,000 lawyers. Most questions receive a response within hours of being posted.

The questions and responses are fully searchable and can be used as a reference resource in the future. A member of the Littler team would monitor the Q&A forum to ensure that questions posed by client personnel are correctly categorized and that the questions and responses are clearly phrased, thus making it easier for your team to find information relevant to new queries. The Q&A forum can also track the types of questions asked and who asks them. Over time, trends in questions posed can show where potential larger issues may need to be addressed.

## Littler CaseSmart – Streamlined Case Management

Littler CaseSmart combines our own innovative case management technology with a streamlined legal process to handle, cost-efficiently and effectively, the defense of employment-related agency charges and single plaintiff employment litigation. We conducted a comprehensive workflow analysis and then re-engineered the process by which these matters are handled. Littler CaseSmart offers immediate cost benefits for the management of employment charges and litigation by utilizing a redesigned process that includes proven results with dedicated attorneys and advanced software technology.

Littler CaseSmart increases efficiency, quality control and profitability by streamlining case management. It provides attorneys with a "smart system" that includes workflows, automatic calendaring, document automation, KM resources and tools for conducting legal risk analysis.

Clients' in-house counsel and management teams have access to an online dashboard that provides full transparency into key performance indicators and enables them to run customized reports based on a wide array of metrics. Clients can review data on individual charges or specified groups of charges (e.g., by division or store, or all charges filed as of a certain date). Using Littler CaseSmart's reporting capabilities, we also help employers analyze data, identify potential areas of legal exposure and develop proactive solutions.



**International Legal Technology Association (ILTA)** – Littler CaseSmart named 2011 Project of the Year; Littler’s Chief Knowledge Officer honored as Knowledge Management Champion.

**College of Law Practice Management** – Littler CaseSmart won 2012 InnovAction Award.

## Internal Litigation Tools

Among the many cost-saving internal tools created by Littler’s KM Department are three innovative internal websites: the Class Action Tool Kit, EEO Center and Litigation Center. These sites leverage Littler’s collective knowledge to provide resources that save our attorneys research and drafting time, which helps minimize our clients’ legal costs.

The Class Action Tool Kit site, for example, provides timely, readily accessible resources for Littler attorneys who represent clients in class and collective actions. It includes links to material on everything from initial motions to certification to settlement, such as budgeting tools, employee communication plans and other company guidance, research memos, and sample litigation and settlement documents. There is even a special section devoted to California class actions. This continuously updated knowledge base is the product of Littler’s extensive experience in successfully defending multi-plaintiff litigation on behalf of employers.

Similarly, our internal websites for EEO charges and single plaintiff litigation are organized by phase and provide a variety of relevant documents, pre-set searches, and other resources.



## Appendix: Attorney Biographies

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MARK OGDEN	SHAREHOLDER
NEIL M. ALEXANDER	SHAREHOLDER
STEVE BIDDLE	SHAREHOLDER
GREG COULTER	SHAREHOLDER
KRISTIN CULBERTSON	SHAREHOLDER
CHRISTIE L. KRIEGSFELD	SHAREHOLDER
RYAN G. LOCKNER	ASSOCIATE
FREDERICK C. MINER	SHAREHOLDER
SHAWN OLLER	SHAREHOLDER
KRISTY L. PETERS	SHAREHOLDER
PETER C. PRYNKIEWICZ	SPECIAL COUNSEL
LINDSAY M. SCHAFER	ASSOCIATE
BARRY H. UHRMAN	ASSOCIATE
CORY GLEN WALKER	ASSOCIATE
JOSH WALTMAN	ASSOCIATE

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Albuquerque, NM 87110

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**Practice Areas**

Wage and Hour  
Class Actions  
Discrimination and Harassment  
Litigation and Trials  
Hiring, Performance Management and Termination

**Overview**

Mark Ogden has litigated nearly 600 employment lawsuits to conclusion, mostly in federal court, and has litigated 27 jury trials to verdict. Among his notable litigation successes are cases involving:

- Discrimination on the basis of religion, age, and disability
- Breach of contract issues
- Whistleblower claims

In addition to his litigation practice, Mark provides employment training to employers of all sizes and regularly speaks on a variety of topics before a wide range of professional organizations. He was named in the 2015 edition of *Best Lawyers in America*®. He serves as a member of the firm's Employment Practices Liability Committee. He is a former member of the firm's Board of Directors and a former co-chair of the Complex Litigation and Trials Practice Group.

Prior to joining Littler in 1998, Mark was a trial attorney at the Department of Labor and a special assistant United States attorney in Los Angeles, representing the federal government in the litigation of employment cases.

*\*Licensed to practice in all New Mexico federal courts*



### **Professional and Community Affiliations**

- Member, Labor and Employment Section, State Bar of Arizona
- Member, Labor and Employment Section, State Bar of California
- Member, District of Columbia Bar Association
- Member, Federal Bar Association
- Member, Litigation, Labor & Employment, and Insurance Practices, American Bar Association
- Member, Lawyer-Pilots Bar Association
- Member, Defense Research Institute
- Member, Arizona Association of Defense Counsel
- Member, Republican National Lawyers Association
- Member, Arizona Pilots Association
- Member, Aircraft Owners and Pilots Association
- Member, Cessna Pilots Association
- Member, American Mensa Society
- Member, National Rifle Association
- Member, Rocky Mountain Elk Foundation
- Member, Professional Association of Diving Instructors
- Member, Society for Human Resource Management (SHRM)
- Member, Western Growers Association (WGA)
- Member, Maricopa County Bar Association (MCBA)
- Member, LA County Bar Association

### **Recognition**

- Named, America's Leading Lawyers for Business, *Chambers USA*, 2014 and 2015
- Named, Litigation Star, Arizona, *Benchmark Litigation*, 2014 - 2016
- Named, Super Lawyer, Arizona Southwest, *Super Lawyers*, 2007-2015
- Named, The Best Lawyers in America©, 2008-2016
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Top 50 Law Firms in Labor and Employment Law, *Book of Lists - Phoenix Business Journal*, 2009-2014
- Named, Arizona's Top Lawyers, *AZ Business*, 2010-2015
- Named, Arizona's Top Rated Lawyers, *Legal Leaders*, 2013 and 2014
- Named, Top Lawyers of Arizona, *Phoenix Magazine*, 2015

### **Education**

J.D., Pepperdine University School of Law, 1991  
B.S., Arizona State University, 1986



## Bar Admissions

Arizona  
District of Columbia  
California

## Courts

U.S. Court of Appeals, 9th Circuit  
U.S. District Court, District of Arizona  
U.S. District Court, Northern District of California  
U.S. District Court, Eastern District of California  
U.S. District Court, Central District of California  
U.S. District Court, Southern District of California  
U.S. District Court, District of Guam  
U.S. District Court of the Northern Mariana Islands  
U.S. District Court, District of New Mexico

## Publications and Press

- Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition, *Littler Press Release*, August 18, 2015
- Chambers USA Recognizes Littler and Its Attorneys, *Littler Press Release*, May 20, 2015
- Littler Attorneys Included in the Best Lawyers in America© 2015 Edition, *Littler Press Release*, August 18, 2014
- Littler and Its Attorneys Ranked In 2014 Chambers USA Guide, *Littler Press Release*, May 23, 2014
- Riskiest States for Employee Lawsuits, *Property Casualty 360*, April 2, 2014
- Top 5 Riskiest States for Employee Lawsuits: Hiscox, *Insurance Journal*, April 1, 2014
- Columnist, Career Builder, Ask the Experts, *The Arizona Republic, Sunday Edition*, 2003-present
- Columnist, Ask the Legal Professional, *The Business Journal*, 2003-present
- Littler Attorneys Named in Best Lawyers in America® 2014 Edition, *Littler Press Release*, August 15, 2013
- Message to Kingman staff: Silence is golden, *Daily Miner*, October 1, 2012
- Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition, *Littler Press Release*, September 7, 2012
- Cultural liaisons: More law firms open offices in other countries to serve clients more effectively, *Phoenix Business Journal*, July 6, 2012
- Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition, *Littler Press Release*, September 12, 2011
- Seventy-Two Littler Attorneys Named to The Best Lawyers in America® 2011, *Littler Press Release*, August 9, 2010
- Legal Pitfalls of Employee Wellness Programs, *HR IQ Column - Impact Magazine*, April 2010
- 61 Littler Attorneys Named to The Best Lawyers in America® 2010, *Littler Press Release*, August 14, 2009
- Work Furloughs for Salaried Employees, *HR IQ Column - Impact Magazine*, August 2009

- Layoffs, Furloughs Provoke More Claims of Worker Discrimination, *Phoenix Business Journal*, June 26, 2009
- Cancel Worker EEO Training at Own Peril, Attorneys Say, *Law360.com*, June 16, 2009
- 5 Questions About Employer Law and the Stimulus, *Phoenix Business Journal*, March 27, 2009
- Stimulus Package Includes Changes for Employers, *Phoenix Business Journal*, March 27, 2009
- Forewarn Legislation, *Phoenix Business Journal*, January 30, 2009
- Gays Urged To Join 'Call In Gay' Protest. Action Protests - Laws Banning Unions of Same Sex Couples, *AZ Republic*, December 10, 2008
- Prepare Now for the Newly Amended Americans with Disabilities Act, *Phoenix Business Journal*, November 17, 2008
- 51 Littler Attorneys Named to The Best Lawyers in America, *Littler Press Release*, October 31, 2008
- Corporate Communications, Ruling Attempts To Clarify Line Between Private, Business Text Messages, *Phoenix Business Journal*, August 15, 2008
- Groundbreaking Opinion Could Be Catalyst for Policy Changes, *Phoenix Business Journal*, August 15, 2008
- Employers Work To Ease Commuting Costs to Offset Gas Prices, *AZ Republic*, August 12, 2008
- Caring for a Relative Injured in the Military Now Permitted Under FMLA, *AZ Business Magazine*, August 2008
- Wage Gap Widens Along Ethnic, Geographical Lines, *Phoenix Business Journal*, March 14, 2008
- Calif. Firm to Open Local Office, Add Littler Partners, *Phoenix Business Journal*, February 1, 2008
- Sheriff, Prosecutor Ramp Up Sanctions Investigations, *Phoenix Business Journal*, January 11, 2008
- Protect Intellectual Property with Employee Agreements – But Be Sure They're Enforceable, *Phoenix Business Journal*, November 2, 2007
- When Diversifying Your Workforce, Be Sure to Play by the Rules, *Phoenix Business Journal*, October 19, 2007
- Proposed State Rules Target Tax Evasion Schemes, *Phoenix Business Journal*, September 14, 2007
- Workplace Compliance Training – It Isn't Required; It Is Recommended, *Phoenix Business Journal*, August 17, 2007
- Mark Ogden Encourages Employers to Get a Head Start on Immigration Laws, *The Arizona Republic*, July 8, 2007
- Independent Contractor Classification, *HR IQ Column - Impact Magazine*, July 2007
- Alissa Horvitz and Mark Ogden Comment on Federal Agencies, *InsideCounsel*, June 22, 2007
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- EEOC Cracks Down On Hiring Practices, *National Law Journal*, March 26, 2007

- Mark Ogden Says Employers Already Heed the EEOC, *The National Law Journal*, March 26, 2007
- Watch out for the Many Legal Pitfalls of Affinity Groups, *Phoenix Business Journal*, November 15, 2006
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- Reporting for Duty (Employers' Obligations for Returning Soldiers under USERRA), *AzBusiness Magazine*, July 2006
- J. Mark Ogden Showcases the Appeal of Littler as a Boutique Firm, *Arizona Business Gazette*, June 15, 2006
- When Johnny Comes Marching Home, Give Him Back His Job. It's the Law, *AzBusiness Magazine*, May/June 2006
- Suggestions for Change, *HR Executive*, May 16, 2006
- The EEOC Turns 40, Suggestions for Change, *Human Resource Executive Magazine*, May 2006
- Mark Ogden Discusses How the Use of Methamphetamines Has Become More of an Issue for Clients, Especially in the Form of Employee Theft, *Phoenix Business Journal*, February 17, 2006
- Tools Available To Help Small Firms Tackle Meth Use, *Phoenix Business Journal*, February 17, 2006
- Bird Flu Could Create Legal Nightmare for Businesses, *Phoenix Business Journal*, December 2005
- J. Mark Ogden Cautions Firms of the Impact of Domestic Violence in the Workplace, *The Business Journal*, October 24, 2005
- Mark Ogden: Active In and Out of the Courtroom, *Profile - Phoenix Business Journal*, October 2005
- Domestic Violence Can Dramatically Impact the Bottom Line, *Phoenix Business Journal*, October 2005
- Religious Diversity at Work a Fine Line for Managers, *Phoenix Business Journal*, October 2005
- J. Mark Ogden warns employers of rising religious discrimination, *The Phoenix Business Journal*, July 11, 2005
- The Last Supper (Serrano's Trial Victory Over the EEOC), *Quote, Cover Story - Phoenix New Times*, July 2005
- Serrano's Wins Lawsuit, Feels Business Backlash, *Quote - Phoenix Business Journal*, June 2005
- Employers See Rise in Pregnancy Lawsuits, *Quote - Phoenix Business Journal*, February 2005
- Class Action Lawsuits: Just an Internet Click Away; Take Action to Prevent Workplace Class Action Lawsuits, *Arizona Business Magazine*, July/August 2004
- EEOC Announces Relief for Employers Providing Retiree Health Benefits, *Arizona Journal*, February 2004

- The Department of Labor has Proposed Wide-Ranging Changes that Will in Some Ways Narrow and Other Ways Broaden the Overtime Exemptions Used by All Employers for White-Collar Employees, *Arizona Journal*, April 2003
- The EEOC's 'Telework Fact Sheet' Reaffirms the Agency's Position that Employers Can Reasonably Accommodate Qualified Disabled Workers Through Telecommuting Program, *Arizona Journal*, February 2003
- Failing to Train Managers on Preventing Discrimination in Employment Decisions can Establish an Employer's Willful Disregard of the Law Leading to an Award of Punitive and Liquidated Damages, *Arizona Journal*, January 2002
- Supreme Court of the United States Clarifies Standards for Summary Judgments and Judgments as a Matter of Law in Employment Discrimination Cases, *Arizona Journal*, August 2000
- The Punishment: EEOC Has Expanded the Scope of Liability for Harassment in the Workplace, *Arizona Journal*, May 2000
- Directing Traffic: EEOC Guidelines on Harassment Leads Employers to Safety from Liability, *Arizona Journal*, April 2000
- Employment Law Uncovered: The ADA May Not Protect Employees Who Were Addicted to Drugs or Alcohol, *Arizona Journal*, December 1998
- Strong Shield: Employers Can Limit Liability by Developing an Effective Sexual Harassment Policy, *Arizona Journal*, July 1998

#### **Events & Speaking Engagements**

- Managing Litigation as a Business: Aligning Value and Costs of Litigation Services, *Littler Mendelson, Scottsdale, AZ*, May 9, 2012



Neil M. Alexander      Chair, Staffing and Contingent Workers Industry  
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**Practice Areas**

Staffing and Contingent Workers  
Leaves of Absence and Disability Accommodation  
Litigation and Trials  
Discrimination and Harassment  
Unfair Competition and Trade Secrets

**Overview**

Neil M. Alexander is a shareholder at Littler Mendelson in the Phoenix office and serves as Co-Chair of the Contingent Workforce Practice Group. He is a trial attorney who regularly defends companies against claims involving:

- Wrongful termination
- Unfair competition and trade secret violations
- Non-competition agreements
- Whistleblower and retaliation
- Harassment and discrimination
- Title VII
- The Age Discrimination in Employment Act
- The Americans with Disabilities Act
- The Family and Medical Leave Act

Neil regularly appears in state and federal courts in Arizona and Nevada and before the Equal Employment Opportunity Commission, the Department of Labor, the Arizona Civil Rights Division and the Nevada Equal Rights Commission. His clients include:

- National retailers



- Insurance companies
- Call centers
- Professional employer organizations
- Financial institutions
- Healthcare clients

Neil's practice includes counseling clients on employment risk management for employee workforce or individual employee decisions, workforce design and maximizing contingent worker options while ensuring compliance, contingent workforce co-employment exposures, compliance with the ADA and the FMLA, and other legal issues.

Neil also regularly contributes to articles in newspapers and magazines and authors publications for national trade association newsletters. He has been interviewed on national radio and is frequently quoted in national and regional publications.

He is a frequent keynote speaker for national and state trade associations, client internal events and client appreciation events regarding employment law updates, contingent workforce issues, and employment law compliance related topics.

#### **Professional and Community Affiliations**

- Member, Board of Directors, State Council, Arizona Society for Human Resources Management (SHRM)
- Member, Legislative Advisory Council, National Association of Professional Employer Organizations (NAPEO)
- Former President, Nevada Chapter, Federal Bar Association
- Former Board Chair, Maricopa Workforce Connections
- General Counsel, State Council, Arizona Society for Human Resources Management (SHRM)

#### **Recognition**

- Named, The Best Lawyers in America©, 2014-2016
- Named, Top Arizona Lawyer, *Arizona Business Magazine*, 2009 and 2010

#### **Education**

J.D., University of San Diego School of Law, 1993

B.A., University of Washington, 1990

#### **Bar Admissions**

Arizona  
Colorado  
Nevada  
California

#### **Courts**

U.S. Supreme Court

U.S. Court of Appeals, 9th Circuit

## Publications and Press

- Court Says Rehabilitation Act Section 504 Covers Contractors, *Bloomberg BNA*, February 11, 2016
- Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition, *Littler Press Release*, August 18, 2015
- An I-9 compromise for staffing buyers: Right of inspection, *Staffing Industry News*, May 13, 2015
- The Affordable Care Act and Staffing: One Size Does Not Fit All, *Society for Human Resource Management (SHRM)*, December 30, 2014
- U.S. Supreme Court: Antitheft Security Screening Not Part of the Job for FLSA Compensation Purposes, *Littler Insight*, December 23, 2014
- The Affordable Care Act and Staffing: One Size Does Not Fit All, *Littler Insight*, December 19, 2014
- Arizona Supreme Court Holds the Arizona Uniform Trade Secrets Act Does Not Preempt Tort Claims Based on Misappropriation of Confidential Information, *Littler Insight*, December 16, 2014
- Littler Attorneys Included in the Best Lawyers in America© 2015 Edition, *Littler Press Release*, August 18, 2014
- The Legal and Regulatory Landscape for Small Business, *PEO Insider*, June 1, 2014
- Supreme Court Grants Cert to Review Compensability of Security Screening Time, *Littler ASAP*, March 6, 2014
- 'Tis the Season for ACA; Employers should plan now for temporary hiring, *National Law Journal*, October 14, 2013
- Reminder to Employers: Seasonal Workers Have Rights Too, *Corporate Counsel*, October 11, 2013
- Littler Attorneys Named in Best Lawyers in America® 2014 Edition, *Littler Press Release*, August 15, 2013
- Care Act Changes Field For Staffing Companies, *San Diego Business Journal*, March 4, 2013
- Medical Marijuana Dispensaries Are Now Operating in Arizona, *Littler Insight*, December 12, 2012
- What's the Right Form? Now is the time to assess background screening policies, *Staffing Industry News*, November 21, 2012
- Temporary Workers Reshaping Companies, *NBIZ*, October 1, 2012
- Don't Believe Everything You Read: Recent 9th Circuit Decision on Same-Sex Domestic Partner Health Benefits in Arizona More Narrow than Reported, *Littler Insight*, September 14, 2011
- Arizona Medical Marijuana Law Update: State Files Lawsuit to Clarify Obligations Under the Act, and the Drug Testing Modifications Go Into Effect, *Littler Insight*, July 19, 2011
- U.S. Supreme Court Upholds Arizona Law Mandating Use of E-Verify and Penalizing Employers that Hire Undocumented Workers, *Littler Insight*, May 27, 2011
- Arizona Legislature Helps Clear the Haze for Employers Dealing with the Arizona Medical Marijuana Law, *Littler Insight*, May 2, 2011
- U.S. employers shift to temp workers, *MarketWatch*, April 27, 2011
- UPDATE: What Arizona's Controversial Immigration Law Means for Employers, *Littler Insight*, April 12, 2011

- Term Limits for Contingent Workers: Urban Legend or Necessary Fix?, *Littler Insight*, December 14, 2010
- Yes We Can[nabis]!: Voters Approve the Arizona Medical Marijuana Act, *Littler Insight*, November 24, 2010
- UPDATE: What Arizona's Controversial Immigration Law Means for Employers, *Littler Insight*, July 29, 2010
- Neil Alexander Notes Expense of New Document Retention Rules, *Phoenix Business Journal*, December 28, 2006
- Arizona Adopts Sweeping Wage Reforms (Proposition 202), *Littler Insight*, December 15, 2006
- Neil Alexander Advises Employers on the Heels of National Immigration Demonstrations, *The Arizona Republic*, April 30, 2006
- Neil Alexander Comments on How the Increased Use of Methamphetamines is Affecting Arizona Employers, *Phoenix Business Journal and MSNBC*, February 19, 2006
- Arizona Supreme Court Strikes Down Denial of Worker's Compensation Benefits Due to Presence of Alcohol or Drugs, *Littler Insight*, August 29, 2005
- Arizona Supreme Court Refuses to Enforce Arbitration Agreement Based on the Arizona Uniform Arbitration Act, *Littler Insight*, August 31, 2004
- Legal Landmines of Employee Separations, *The Corporate Counselor Maricopa County Bar Association*, Winter 2003
- Patriotism and Religious Discrimination in the Workplace, *MPHRA Newsletter*, September 2002
- Negligent Hiring, *HR Advisor, Legal & Practical Guidance*, November/December 1997
- Negligent Hiring, Training, Supervision, and Retention in Nevada, *Nevada Lawyer*, April 1997
- The Five Biggest Mistakes Employers Make, *Nevada Lawyer*, June 1996
- Trade Secrets, *California Labor and Employment Law Quarterly*, Spring 1993

### Events & Speaking Engagements

- Managing the Contingent Workforce in 2013, *San Diego, CA*, October 25, 2012
- 10 Myths and Realities of Contingent Work Arrangements: Useful Insights that Directly Impact Workforce Design Decisions, June 20, 2012
- No new taxes? Phooey! Government Agencies Attack Independent Contractor Relationships to Refill Depleted Coffers, *Littler Mendelson, Scottsdale, AZ*, May 10, 2012
- Managing Employee Leaves of Absence and Requests for Intermittent Leave, *Phoenix, AZ*, February 8, 2012
- The ADAAA Final Regulations, *Phoenix, AZ*, May 4, 2011
- Employment Law Update, *Phoenix, AZ*, September 30, 2010
- Health Care Reform – What Does It Mean for Employers?, *Las Vegas, NV*, September 17, 2010
- Class Action Litigation in the Healthcare Industry, *Phoenix, AZ*, November 19, 2009
- Managing Leaves of Absence, *Phoenix, AZ*, March 18, 2009
- Preparing for the Employee Free Choice Act (EFCA) and Other Labor and Employment Law Initiatives, January 21, 2009

**Phoenix**

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**Practice Areas**

Discrimination and Harassment  
Workplace Safety and Health (OSHA & MSHA)  
Labor Management Relations  
Wage and Hour  
Hiring, Performance Management and Termination

**Overview**

Steve Biddle has successfully defended public and private sector employers in employment-related litigation and regularly advises companies in all human resources matters. He represents management in issues related to:

- Occupational safety and health compliance
- Union organization
- Collective bargaining
- Unfair labor practices
- Union elections
- Compliance and litigation regarding employment discrimination, harassment and retaliation
- Wrongful termination
- Restrictive covenants
- Unemployment compensation investigations
- Wage and hour matters
- Indian gaming, tribal employment and casino issues
- Employment tort and contract litigation

He appears in federal, state, and appellate courts and represents clients before the Equal Employment Opportunity Commission, the National Labor Relations Board, the Department of Labor, the Occupational Safety and Health Administration and other government agencies. He also handles arbitration and mediation.



Steve has specific experience with claims arising under:

- The Occupational Safety and Health Act (and state equivalents)
- Title VII
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Family and Medical Leave Act
- The National Labor Relations Act
- The Fair Labor Standards Act
- The Labor Management Relations Act
- The Older Workers Benefit Protection Act
- The Worker Adjustment and Retraining Notification Act
- Arizona and New Mexico employment statutes

He also assists clients with employment class actions, business restructuring, employment policies and procedures, drug testing, and compliance counseling.

Additionally, Steve speaks to various employer groups and bar associations on labor and employment law, OSHA, Indian law, and other employment-related topics. His experience with legislative lobbying and bill drafting includes drug testing, the Arizona Employment Protection Act and workers' compensation group self-insurance.

Steve works with a diverse range of clients, including:

- Retail
- Real estate investment companies
- Law firms and other professional services firms
- Non-profits
- Utilities
- Medical practices
- Security/law enforcement
- Governments
- Indian tribes
- Casinos
- Hotels
- Construction
- Homebuilders
- Universities and colleges
- Trade schools
- Transportation
- Manufacturers and distributors



- Biotech

Prior to working at Littler Mendelson, Steve was a partner at two other firms in the Phoenix area.

### **Professional and Community Affiliations**

- Arbitrator, Maricopa County Superior Court, 1995-present
- Member, Maricopa County Bar Association
- Member, American Bar Association
- Member, Section on Labor and Employment Law, American Bar Association
- Member, Employment and Labor Law Section, State Bar of Arizona
- Member, Indian Law Section, State Bar of Arizona
- Member, Committee on Occupational Safety and Health Law, American Bar Association
- Member, Human Resources People and Strategy
- Founding Board Member, Arizona Human Resources Executive Forum
- Pro Bono Consultant, Arts and Business Council of Phoenix
- Former Chair, Minorities in Law Committee, Maricopa County Bar Association
- Former Member, Minorities in Law Committee, Maricopa County Bar Association
- Former Member, Corporate Counsel Division, Maricopa County Bar Association
- Former Member, Employment Law Section, Maricopa County Bar Association
- Former Member, Editorial Board, Arizona Attorney Magazine, State Bar of Arizona
- Former President, Board of Directors, Community Legal Services
- Former Member, Board of Directors, Community Legal Services
- Former Member, Ballet Arizona Board of Trustees
- Former Member, Board of Directors, Kids Voting
- Former Member, Employment Law Committee, Arizona Association of Defense Counsel
- Former Chair, Employment Law Committee, Arizona Association of Defense Counsel
- Former Member, National Indian Gaming Association

### **Recognition**

- Named, The Best Lawyers in America©, 2014-2016
- Fellow, College of Labor and Employment Lawyers, 2011
- Recipient, Decade of Dedication Award, *Community Legal Services*, 2010
- Recipient, Pro Bono Award, *Littler Mendelson*, 2010
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Super Lawyer, Southwest, *Super Lawyers*

### **Education**

J.D., University of Arizona College of Law, 1989, *cum laude*

M.S., University of Delaware, 1984

B.A., University of Delaware, 1982



## Bar Admissions

Arizona

## Courts

U.S. Court of Appeals, 9th Circuit

## Publications and Press

- Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition, *Littler Press Release*, August 18, 2015
- The Sixth Circuit Extends the NLRA's Reach to Tribal-Owned Casinos, *Littler Insight*, July 7, 2015
- Littler Attorneys Included in the Best Lawyers in America© 2015 Edition, *Littler Press Release*, August 18, 2014
- Are home care union fee requirements a violation of an employee's rights?, *The Record Reporter*, August 1, 2014
- Littler Attorneys Named in Best Lawyers in America® 2014 Edition, *Littler Press Release*, August 15, 2013
- Littler Attorneys Steven Biddle and Robert Long Inducted as Fellows of the College of Labor & Employment Lawyers, *Littler Press Release*, July 11, 2011
- From the Experts: Eyes On The Road, Please, *Corporate Counsel*, July 5, 2011
- Arizona Joins the Growing List of States Enacting "Guns-At-Work" Laws, *Littler Insight*, August 4, 2009
- Ninth Circuit Court of Appeals Upholds Legal Arizona Workers Act, *Littler Insight*, September 22, 2008
- Arizona Adopts New Law Clarifying Controversial Sanctions Statute, Imposing Other Obligations on Employers and State Contractors, *Littler Insight*, May 7, 2008
- Eyes on the Workforce: Legal Arizona Workers Act Withstands Constitutional Scrutiny, *Littler Insight*, February 11, 2008
- "Controlling Employer" No Longer Liable Under Multi-Employer Worksite Doctrine, *Littler Insight*, June 15, 2007
- No Smoking Please: Smoke Free Arizona Act - Action Items for Employers, *Littler Insight*, April 25, 2007
- OSHA Seeks to Step Up Enforcement of Criminal Penalties, *Littler Insight*, June 30, 2005
- Labor and Employment Issues for Tribal Employers, *34:5 Arizona Attorney* 16, 1998
- Employment and Tribal Gaming, *Indian Law Section - State Bar of Arizona*, 1996
- When is Workers' Compensation the Exclusive Remedy in Sexual Harassment Cases, *33:4 Arizona Attorney*, 1996
- Managing COBRA Requirements, *ADP Workplace Blueprints*, 1996
- Overview of the Employment Provisions of the Americans with Disabilities Act, *Arizona School Boards Association Journal*, 1992
- Justice Stevens' Pro-Land Use Planning Views in Recent Regulatory Taking Cases, *21 Urban Lawyer* 579, 1989



- Less Restrictive Alternatives for Achieving and Maintaining Competitive Balance in Professional Sports, *30 Arizona Law Review* 889, 1988

### Events & Speaking Engagements

- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 15, 2013
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 14, 2013
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 13, 2013
- OSHA Update: The 2012 Compliance and Enforcement Agenda, *Littler Mendelson, Scottsdale, AZ*, May 10, 2012
- The Growing Contingent Workforce and Strategies for Legal Compliance, *Arizona State Conference - Society of Human Resource Management*, September 2011
- Recent Changes in the Law the Impact Employers, *Management Students Association - Arizona State University*, April 2011
- Enforcement Alert: Significant Changes in DOL's Wage/Hour Division and OSHA, *Annual Employment Law and Legislative Conference - Arizona, Society of Human Resource Management (SHRM)*, March 2011
- Executive Employment Law Update, *Arizona Senior Human Resources Executive Council*, March 2011
- Arizona's New Medical Marijuana Act, *Arizona HR Consultant's Forum*, February 2011
- Littler's 2010 Employment Law Update, *Organization for Nonprofit Executives*, November 2010
- Exempt or Non-Exempt? The Expensive Legal Risk Facing Your Organization, *Organization for Nonprofit Executives*, November 2010
- What's Hot, What's Not: Labor and Employment Laws to Watch for in 2011, *Arizona Human Resources Executive Forum*, November 2010
- Occupational Safety and Health Update, *The 2010 Executive Employer® Conference - Littler Mendelson*, April 2010
- Business Continuity During the H1N1 Outbreak, November 11, 2009
- Business Continuity During the H1N1 Outbreak: Update and Best Practices, *Littler Mendelson Webinar*, November 2009
- H1N1 Influenza Update, *American Bakers Association*, October 2009
- Swine Flu: Preparing the Workplace for a Pandemic, May 6, 2009
- H1N1 and the Global Pandemic, *Open Compliance and Ethics Group (OCEG) Webinar*, May 2009
- Swine Flu: Preparing the Workplace for a Pandemic, *Littler Mendelson Webinar*, May 2009
- Employee Free Choice Act, *Littler Mendelson*, April 2009
- Preparing for the Significant Safety and Health Initiatives of the New Administration, *The 2009 Executive Employer® Conference - Littler Mendelson*, April 2009
- Wage and Hour Basics and the Class Action Explosion, *Organization for Nonprofit Executives*, October 2008
- Employment Law Update, *Organization for Nonprofit Executives*, October 2008
- The Latest Issues in Wage and Hour Law: FLSA Update, *Arizona Employer Conference*, September 2008

- Critical Employment Law Issues in Corporate Transactions, *Sterling Education Services, Inc.*, July 2008
- Public Health Concerns in the Workplace, *The 2008 Executive Employer® Conference - Littler Mendelson*, April 2008
- MRSA in the Workplace, *Littler Mendelson Webinar*, December 2007
- Employment Law Update, *Arizona Employer Conference*, November 2007
- MSHA Inspections, *Arizona Rock Association*, November 2007
- Employment Law Update, *Organization for Nonprofit Executives*, June 2007
- Employment Law Update, *Center for Business Excellence - University of St. Thomas*, October 2006
- Emerging State and Federal Issues: Preparing for Future Employment Law Challenges, *Arizona Employer Conference*, October 2006
- Celebrating Ten Years of Mediation at the EEOC, *Equal Employment Opportunity Commission and Sandra Day O'Connor School of Law*, September 2006
- FLSA White Collar Exemptions, *Council for Education in Management*, February 2006
- Employment Class Actions, *Arizona Human Resources Executive Forum*, February 2006
- Managing Leaves of Absence, *Organization for Nonprofit Executives*, November 2005
- Drug Testing in Employment, *Drugs Don't Work Arizona*, August 2005
- Discipline and Termination: Steps to Avoid Wrongful Discharge Liability, *Arizona Employer Conference*, November 2004
- Current Strategies for Union Avoidance, *Arizona Hospitality Expo*, September 2004
- Essentials of Wage and Hour Law, *Council for Education in Management*, August 2004
- New FLSA Regulations and Exemptions, *Council for Education in Management*, May 2004
- Top Ten Best Practices for Employee Benefits, *Client Presentation*, March 2004
- Better Bossing, *Arizona Human Resources Executive Forum*, February 2004
- Employee Benefits Update, *Sterling Education Services*, October 2003
- Employment Law Update, *Council for Education in Management*, August 2003
- HIPAA, COBRA and FMLA, *Lorman Education Services*, March 2003
- OSHA, Workers' Comp and Ergonomics: Maintaining a Safe Work Environment, *Arizona Employer Conference*, October 2002
- I-9 Compliance, *Sterling Education Services*, June 2002
- Maintaining a Safe Workplace, *The 2002 Executive Employer Conference® - Littler Mendelson*, June 2002
- Wage and Hour Law Basics, *Client Presentation*, April 2002
- Human Resources Audits, *Council for Education in Management*, February 2002
- Interviewing and Hiring: Keeping Your Recruitment Strategies Legal, *Council for Education in Management*, February 2002
- Human Resources Audits: How to Ensure Your Recordkeeping and Compliance Efforts Protect You, *Personnel Law Update - Council for Education in Management*, December 2001
- Exempt or Non-Exempt?, *Personnel Law Update - Council for Education in Management*, December 2001

- Employee Drug Testing, *Lorman Education Services* , June 2001
- Is Your Organization Prepared for a Union Organizing Attempt? , *8th Annual Human Resource Conference - Arizona Employers Council*, December 2000
- The Aging Workforce: Attracting and Retaining Older Workers in Today's Labor Market, *Personnel Law Update - Council on Education in Management* , December 2000
- Avoiding Legal Pitfalls in Your Reference Checking and Reference Giving Practices, *Council on Education in Management* , June 2000
- Labor and Employment for Tribal Gaming, Annual Meeting - National Indian Gaming Association, April 2000
- Family and Medical Leave Act Basics, *Client Presentation*, March 2000
- When the Government Comes Knocking: Responding to Government Inquiries and Investigations, *National Business Institute* , December 1999
- Employer Sanctions and Anti-Discrimination: Basic Immigration Law for Arizona Employers, *National Business Institute*, December 1999
- Post-Termination Considerations for Employers, *Streich Lang Forum on Labor and Employment Law*, October 1999
- Post-Termination Considerations, *Council on Education and Management*, October 1999
- Legal Issues for Human Resources Executives, *Human Resources Forum*, May 1999
- COBRA, HIPAA AND FMLA, *Client Presentation*, March 1999
- Creative Settlement Approaches with OSHA, *Annual Meeting, Committee on Occupational Safety and Health Law - American Bar Association*, February 1999
- Economic and Employment Issues in Tribal Gaming, *Annual Convention - State Bar of Arizona* , June 1998
- Successful Right-Sizing, *Arizona Association of Industries* , February 1998
- Litigation Scorecard: Lessons Learned To Date, *Center for a Competitive America* , January 1998
- When the Government Comes Knocking - Responding to Government Inquiries and Investigations, *Streich Lang Forum on Labor and Employment Law* , October 1997
- ERISA, Savings Plans and COBRA, *Streich Lang Forum on Labor and Employment Law*, October 1996
- Sexual Harassment and Cultural Issues Affecting the Tribal Employer/Employee Relationship, *Indian Law Section - State Bar of Arizona*, October 1996
- Ethical Considerations in Hiring, Firing and Nepotism, Indian Gaming - Human Resources Problems, Processes and Solutions , *National Indian Gaming Association*, October 1995
- Sexual Harassment and Sex Discrimination in the Workplace, Indian Gaming - Human Resources Problems, Processes and Solutions, *National Indian Gaming Association*, October 1995
- How to Protect Your Company from OSHA Citations and Penalties, *Labor and Employment Law Annual Update - NBI*, October 1995
- New Developments in Employee Drug Testing Law, *Labor and Employment Law Seminar*, October 1995
- Drug-Free Workplace Laws and Drug Testing, *Greater Casa Grande Chamber of Commerce* , June 1995



- Affirmative Action: Has It Out-Lived Its Usefulness?, *Arizona Human Resources Association*, May 1995
- Paying Non-Exempt Employees in an All Salaried Workforce, *East Valley Human Resources Association*, January 1995
- Immigration Law Refresher, *Labor and Employment Law Seminar*, November 1994
- Negligent Hiring, *Annual Labor and Employment Law Symposium*, September 1994
- Hiring and Firing - What Are Your Risks?, *Annual Labor and Employment Law Symposium*, October 1993
- Restrictive Covenants, *Labor and Employment Law Seminar*, October 1993
- Required Postings in the Workplace, *Arizona Independent Electrical Contractors Association*, October 1992
- How to Educate, Train and Investigate Acts of Misconduct and Harassment, *Labor and Employment Law Seminar*, October 1992
- Workplace Safety, *Labor and Employment Law Seminar*, November 1991
- Americans with Disabilities Act Basics, *Labor and Employment Law Seminar*, September 1990

#### **Books & Book Chapters**

- Arizona Wage Laws; Fair Labor Standards Act; Drug and Alcohol Testing; Tribal Employment, *Arizona Employment Law Handbook*, *State Bar of Arizona*, Chapter Author and Editor, 1995-present
- State Regulation of Occupational Safety and Health, *Occupational Safety and Health Law*, *American Bar Association*, Contributor
- Sexual and Other Forms of Harassment, *Employment Discrimination Law*, *American Bar Association*, Contributor
- The National Employer, *LexisNexis and Littler Mendelson*, Contributor, 2000-present
- *The Arizona Employer*, Chapter Author and Editor, 2005-present

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**Practice Areas**

Discrimination and Harassment  
Litigation and Trials  
Construction  
Hiring, Performance Management and Termination  
Training - Compliance, Ethics, Leadership

**Overview**

Greg Coulter represents private and public employers in all aspects of labor and employment litigation, including jury and bench trials in federal, state and appellate courts, involving:

- Discrimination
- Retaliation
- Constitutional violations
- Due process
- Free speech
- State tort issues
- Title VII
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- 28 USC 1983 and 1981
- The United States Constitution
- The Migrant and Seasonal Agricultural Worker Protection Act
- The Arizona Civil Rights Act

He also regularly appears before government agencies, such as:

- The Equal Employment Opportunity Commission and the Arizona Civil Rights Division
- The Department of Justice



- The Department of Labor
- The National Labor Relations Board
- The Industrial Commission of Arizona

Greg has expertise in Arizona and California Workers' Compensation issues, including benefits claims disputes. In addition to his litigation practice, he provides day-to-day preventive counseling and employment advice and assists employers in handbook and personnel policy development, severance agreements and restrictive covenants. He also regularly conducts training on discrimination, harassment, retaliation, privacy and disability/leave issues.

Greg has spoken extensively on labor and employment law topics before business and professional associations. Recent topics include:

- Sarbanes-Oxley
- Employment law updates
- Workplace violence
- Workplace privacy and security
- FMLA/ADA overlap
- Retaliation
- Employee discipline
- Arbitration
- Individual liability
- Labor law for non-union employers
- Wage and hour
- Responding to agency investigations

A core member of Littler Mendelson's EEO Practice Group, Greg works with clients in all industries, particularly education, agriculture, transportation, finance, service and retail.

Greg serves as a captain in the Judge Advocate General's Corps of the United States Army Reserves.

#### **Professional and Community Affiliations**

- Member, Human Resources Committee, Southwest Autism Research and Resource Center, 2007-present
- Judge Pro Tem, Arizona Superior Court, 2010-present
- Member, Employment and Labor Law Section, Arizona Bar Association
- Member, Employment Law Committee, Defense Research Institute
- Member, Employment and Labor Law Section, California Bar Association
- Member, Society for Human Resources Management
- Member, Valley of the Sun Human Resources Association
- Member, Phoenix Chamber of Commerce



- Member, Federal Bar Association
- Member, Employment Law Committee, Arizona Association of Defense Counsel
- Former Chair, Employment and Labor Law Section, State Bar of Arizona
- Former Member, Executive Committee, Employment and Labor Law Section, State Bar of Arizona, 1999-2005
- Former Member, Board of Directors, The Free Arts of Arizona, 2000-2004
- Former member, Executive Committee, Young Lawyers Division - Arizona Association of Defense Counsel, 1998-2000
- Former Member, Executive Committee, Friends of Combined Metropolitan Phoenix Arts and Sciences, 1997-2000

### **Recognition**

- Named, Top Lawyers, *Arizona Business Magazine*, 2008-present
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*

### **Education**

LL.M., University of San Diego School of Law, 1995, *cum laude*

J.D., Oklahoma City University, 1994

B.A., University of Oklahoma, 1991

### **Bar Admissions**

Arizona

California

### **Courts**

U.S. Court of Appeals, 9th Circuit

U.S. District Court, District of Arizona

U.S. District Court, Southern District of California

U.S. District Court, Central District of California

U.S. District Court, Western District of Oklahoma

### **Publications and Press**

- Annual Report on EEOC Developments – Fiscal Year 2015, *Littler Report*, January 12, 2016
- Annual Report on EEOC Developments - Fiscal Year 2014, *Littler Report*, January 5, 2015
- Annual Report on EEOC Developments - Fiscal Year 2013, *Littler Report*, January 22, 2014
- Employers' Victory: A Stricter Standard For Retaliation, *Law360.com*, June 28, 2013
- Too Little, Too Late: The Supreme Court Adopts But-For Causation for Title VII Retaliation Claims, *Littler Insight*, June 25, 2013
- Annual Report on EEOC Developments – Fiscal Year 2012, *Littler Report*, January 8, 2013
- Annual Report on EEOC Developments – Fiscal Year 2011, *Littler Report*, January 20, 2012
- Increased Incentives and Protections for Whistleblowers, *The Voice*, September 22, 2010
- Greg Coulter Notes the Neutrality of Holidays in Business, *Phoenix Business Journal*, December 22, 2006



- Greg Coulter Comments How Election Results Affect Business, *Phoenix Business Journal*, November 10, 2006
- Public Employers Gain Measure of Protection for Employment Decisions Based on Statements Made as Part of Job Duties, *Littler Insight*, June 28, 2006
- Arizona Supreme Court Refuses to Enforce Arbitration Agreement Based on the Arizona Uniform Arbitration Act, *Littler Insight*, August 31, 2004
- Director, Officer and Employee Indemnification, *Arizona Employment Law Handbook*, 2004
- Off the Radar Screen: Employee Protected Activities Under the NLRA, *Arizona Floor Covering Association Newsletter*, 2003
- Electronic Monitoring of Employees, *Arizona Association for Economic Development Newsletter*, 2001
- Same Gender Sexual Harassment, *DRI Job Description*, 1997
- Supreme Court Update, *Employment and Labor Law Newsletter*, 1996

### **Events & Speaking Engagements**

- 4th Annual Public Sector Employment Law Update, *Phoenix, AZ*, February 14, 2013
- Change Is Here! What Does the NLRB Have in Store for Your Business?, *Tolleson, AZ*, October 20, 2011
- Change Is Here! What Does the NLRB Have in Store for Your Business?, *Scottsdale, AZ*, October 19, 2011
- Change Is Here! What Does the NLRB Have in Store for Your Business?, *Phoenix, AZ*, October 18, 2011
- Migrant and Seasonal Farmworkers Act, *Agricultural Personnel Association*, February 3, 2011
- Ricci and Test Validation, *Defense Research Institute*, November 18, 2010
- Greg Coulter to Speak in The Voice of the Defense Bar's Web Cast on Hiring, Testing, Promoting and Terminating Employees After Ricci v. DeStefano , November 11, 2010
- H2A, *Western Growers*, July 20, 2010
- 2010 Public Sector Employment Law Update, *Surprise, AZ*, March 19, 2010
- Best Practices for Downsizing and Preparing for the Employee Free Choice Act , *Phoenix, AZ*, April 15, 2009

**Phoenix**

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Phoenix, AZ 85016

Direct: (602) 474-3619  
kculbertson@littler.com



**Practice Areas**

Discrimination and Harassment  
Staffing and Contingent Workers

**Overview**

Kristin Culbertson represents and counsels management clients in connection with all types of labor and employment matters arising under federal and state laws. Her practice focuses specifically on litigation against the Equal Employment Opportunity Commission (EEOC) and has successfully litigated against the EEOC over 15 times in matters resolved via mediation, successful summary judgment, trial and appeal. As one of the firm’s subject matter experts, Kristin provides assistance to clients and other lawyers within the firm on a variety of EEOC specific issues. Additionally, Kristin assists with the negotiation of consent decrees and conciliation agreements, discovery strategy and disputes, as well as law and motion practice.

Prior to joining Littler, Kristin served as a judicial clerk to the Hon. Paul G. Rosenblatt, U. S. District Court, District of Arizona. During those two and a half years, she was involved with a myriad of labor and employment matters, from the filing of complaints through the determination of post-trial motions.

**Professional and Community Affiliations**

- Member, National Association of Professional Women

**Education**

J.D., Arizona State University College of Law, 2000  
B.A., Arizona State University, 1998, *summa cum laude*

**Bar Admissions**

Arizona

## Publications and Press

- Arizona Court of Appeals Rules Against Company in Breach of Fiduciary Duty/Unfair Competition Case Against Former Vice President, *Littler Insight*, June 10, 2010

## Events & Speaking Engagements

- Ask the Plaintiff's Counsel, *Phoenix, AZ*, April 7, 2016
- Past, Present, & Future of Employment & Labor Law: Lessons Learned, Critical New Developments & Future Challenges - The 2015 Employment Law Update, *Central Arizona Human Resource Management Association Monthly Meeting, Casa Grande, AZ*, August 12, 2015
- Future of Contingent Workers: Employers, Employees and Independent Contractors – Oh My!, *Littler Mendelson, Phoenix, AZ*, May 8, 2014
- Mediation Success: What Does It Take, *State Bar of Arizona*, April 10, 2014
- The EEOC's New Strategic Enforcement Plan – Critical Challenges, *Arizona SHRM, Phoenix, AZ*, February 26, 2014
- Let the Whistle Blow, *Arizona SHRM, Phoenix, AZ*, February 26, 2014
- Getting the Money Right in Mediation: The Drama of Dollars and the Value of Psychic Income, *2013 Annual Conference - Arizona SHRM*, August 28, 2013
- BYOD (Bring Your Own Device), *Northwest Arizona Human Resource Association, Kingman, AZ*, June 14, 2013
- Preventing Workplace Violence, *Northwest Arizona Human Resource Association, Kingman, AZ*, June 14, 2013
- Early Mediation: Conflict Resolution in the Workplace, *Northwest Arizona Human Resource Association, Kingman, AZ*, June 14, 2013
- The EEOC's New Strategic Enforcement Plan (SEP): Critical Challenges Faced by Employers, *Littler Mendelson, Scottsdale, AZ*, May 9, 2013
- The 2013 Littler Report—Emerging Trends: Employment Law Solutions, *Littler Mendelson, Scottsdale, AZ*, May 9, 2013
- Let's Get Real: From "Win – Win" to "Can Live With – Can Live With", *15th Annual Conference on Dispute Resolution - American Bar Association, Chicago, IL*, April 5, 2013
- Preventing Workplace Violence, *Littler Mendelson, Surprise, AZ*, February 14, 2013
- Preventing Workplace Violence, *Central Arizona Human Resource Management Association (CAHRMA), Casa Grande, AZ*, February 13, 2013
- Preventing Workplace Violence, *Valley of the Sun Human Resource Association (VSHRA), North Valley, Scottsdale, AZ*, February 6, 2013
- Medical Marijuana, *Northwest Arizona Human Resources Association, Kingman, AZ*, November 9, 2012
- Violence in the Workplace, *Tolleson, AZ*, September 28, 2012
- Social Media, *Risk Panel – Staffing Industry, San Diego, CA*, September 19, 2012
- Employment Law Hot Topics, *Las Vegas, NV*, March 23, 2012

**Phoenix**

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**Practice Areas**

Discrimination and Harassment  
Leaves of Absence and Disability Accommodation  
Healthcare  
Whistleblowing and Retaliation  
Retail

**Overview**

Christie L. Kriegsfeld represents and counsels clients in all aspects of labor and employment litigation, arbitration and mediation, including claims based on:

- Title VII of the Civil Rights Act
- The Family and Medical Leave Act
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- Discrimination and harassment
- Retaliation
- Wrongful discharge
- Wage and hour disputes
- Unfair competition, trade secrets, and restrictive covenants

Christie represents various types of employers in federal and state court litigation. She also appears before the Equal Employment Opportunity Commission, the Department of Labor, National Labor Relations Board, and various other government agencies. She provides employment training and counseling to employers of all sizes, and she also has experience helping clients create employment handbooks and policies, and employment contracts, including non-compete and non-solicitation agreements.



### **Professional and Community Affiliations**

- Member, Section on Labor and Employment Law, American Bar Association
- Member, Federal Bar Association
- Member, Maricopa County Bar Association
- Member, Arizona Association of Defense Counsel
- Member, Employment and Labor Law Section, State Bar of Arizona
- Member, Arizona Women Lawyer's Association
- Member, Junior League of Phoenix

### **Recognition**

- Named, Rising Star, Arizona Southwest, *Super Lawyers*, 2014 and 2015
- Recipient, Willard H. Pedric Scholar

### **Education**

J.D., Arizona State University College of Law, 2003, *cum laude*  
B.S., Arizona State University, 1998, *magna cum laude*

### **Bar Admissions**

Arizona

### **Courts**

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

### **Publications and Press**

- Littler Elevates 16 Attorneys to Shareholder, *Littler Press Release*, January 5, 2015
- The Legal and Regulatory Landscape for Small Business, *PEO Insider*, June 1, 2014
- What's the Right Form? Now is the time to assess background screening policies, *Staffing Industry News*, November 21, 2012
- Issues Run the Gamut from Credit Checks to Gender Identity, *PEO Insider*, May 2012
- The Punitive Damages Lottery Chase is Over: Is There A Regulatory Alternative To The Tort Of Common Law Bad Faith And Does It Provide An Alternative Deterrent?, *37:4 Ariz. St. L.J.* 1221, 2005

### **Events & Speaking Engagements**

- Preservation of Emails and Other ESI, *Annual Conference - LeadingAge Arizona*, May 29, 2014
- Fines and Misdemeanors: Emerging Federal Agency Enforcement Initiatives, *Employment Law and Legislative Conference - Arizona Society for Human Resource Management*, Phoenix, AZ, March 22, 2013
- 2010 Public Sector Employment Law Update, *Surprise, AZ*, March 19, 2010
- Employment Law Update, *Organization for Nonprofit Executives (ONE)*, Phoenix, AZ, October 2008



## **Books & Book Chapters**

- Reinsurance, Couch on Insurance, 3rd Ed., Chapter 9, assistant editor

**Phoenix**

Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, AZ 85016

Direct: (602) 474-3652  
rlockner@littler.com

**Overview**

Ryan G. Lockner represents and counsels clients in all aspects and stages of employment litigation, arbitration, and mediation, including claims based on:

- Title VII of the Civil Rights Act
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Arizona Civil Rights Act
- The Family and Medical Leave Act
- Discrimination and harassment
- Retaliation
- Wrongful discharge
- Wage and hour class and collective actions
- Unfair competition, trade secrets, and restrictive covenants

Prior to joining Littler, Ryan was an associate at another large, international law firm. He served as a judicial extern to the Hon. David G. Campbell of the U.S. District Court for the District of Arizona and interned in the legal department of Arizona's largest private utility.

Ryan is a veteran of the U.S. Army where he served as an Intelligence Officer. During his tenure in the Army, Ryan deployed overseas multiple times, and gained valuable experience researching and analyzing complex information, as well as advising combat troops, senior military officials, and civilian policymakers.

**Professional and Community Affiliations**

- Member, Military Legal Assistance Committee, State Bar of Arizona, 2015-present
- Member, Labor and Employment Section, State Bar of Arizona, 2014-present



### **Recognition**

- Recipient, Bronze Star Medal, *U.S. Army*, 2009
- Recipient, Student Advocacy Award, *International Academy of Trial Lawyers*, 2014
- Recipient, Outstanding Student Award, *Clinical Legal Education Association*, 2014
- Named, Willard H. Pedrick Scholar, *Arizona State University College of Law*
- Recipient, Pro Bono Distinction, *Arizona State University College of Law*, 2014
- Recipient, CALI Excellence for the Future Awards, Professional Responsibility; Work-Life Law & Policy Clinic; Contract Drafting & Negotiation

### **Education**

J.D., Arizona State University College of Law, 2014

B.S., University of Idaho, 2005

### **Bar Admissions**

Arizona

### **Courts**

U.S. Court of Appeals, 8th Circuit

U.S. District Court, District of Arizona

**Phoenix**

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**Albuquerque**

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**Practice Areas**

Labor Management Relations

**Overview**

As a core member of Littler's Labor Management Relations Practice Group, Fred Miner represents management in collective bargaining negotiations, counsels employers concerning bargaining obligations and administration of collective bargaining agreements, and is an advocate in the arbitration of disputes arising out of collective bargaining agreements and in enforcement litigation. He has represented numerous employers in administrative proceedings before the National Labor Relations Board and in related litigation, including the successful defense of unfair labor practice charges and the successful prosecution and defense of appeals in such cases.

Fred also counsels employers regarding representation proceedings, representation campaigns, and Board conducted elections. He has assisted a number of employers in developing and implementing successful union avoidance strategies.

In addition, Fred assists employers in developing and implementing personnel policies, handbooks, employment contracts, and arbitration agreements. He has successfully enforced individual arbitration agreements in federal courts with respect to a variety of employment related claims.

Fred represents employers in administrative proceedings and litigation with respect to a variety of equal employment opportunity laws, government contractor laws, wage and hour laws, and plant-closing laws.

**Recognition**

- Named, America's Leading Lawyers for Business, *Chambers USA*, 2015



## Education

J.D., University of Minnesota Law School, 1994  
M.A., University of Virginia, 1991  
A.B., Dartmouth College, 1989

## Bar Admissions

Arizona  
New Mexico  
Kentucky  
Wisconsin

## Courts

U.S. Court of Appeals, 5th Circuit  
U.S. Court of Appeals, 6th Circuit  
U.S. Court of Appeals, 7th Circuit  
U.S. Court of Appeals, 8th Circuit  
U.S. Court of Appeals, 9th Circuit  
U.S. District Court, District of Arizona  
U.S. District Court, District of New Mexico  
U.S. District Court, Western District of Kentucky  
U.S. District Court, Eastern District of Wisconsin  
U.S. District Court, Western District of Wisconsin  
U.S. District Court, Eastern District of Michigan

## Publications and Press

- Chambers USA Recognizes Littler and Its Attorneys, *Littler Press Release*, May 20, 2015
- NLRB Guidance on Employer Rules Affirms Broad Right to Discuss Working Conditions, *Bloomberg BNA Occupational Safety & Health Daily*, April 2, 2015
- NLRB General Counsel Issues Report Concerning Legality of Common Employer Rules, *Littler Insight*, March 25, 2015
- NLRB General Counsel Report Addresses Employee Handbooks, Work Rules, *XpertHR*, March 25, 2015
- NLRB General Counsel Issues Report Concerning Legality of Common Employer Rules, *Littler ASAP*, March 19, 2015
- Nurses Union Files Bad Faith Bargaining Charges and Initiates Picketing, *Littler ASAP*, August 24, 2011
- The DC Circuit Rejects Board Ruling That Hospital's Lawful Conduct Established Discrimination, *Littler ASAP*, July 15, 2011
- The DC Circuit Rejects Board Ruling That Hospital's Lawful Conduct Established Discrimination, *Littler ASAP*, July 15, 2011
- Massachusetts Hospital and Nurses Union Establish Defined-Benefit Pension Plan, *Littler ASAP*, November 19, 2010
- NUHW Establishes Web Site in Kaiser Campaign, *Littler ASAP*, September 22, 2010
- Kaiser Workers to Begin Mail Ballot Election, *Littler ASAP*, September 8, 2010



- Unions Extend Their Push For Minimum Nurse-Patient Ratios, Threaten Strikes in California and Minnesota, *Littler ASAP*, June 10, 2010
- Battle Between SEIU and NUHW Moves into Court, *Littler ASAP*, March 30, 2010

### Events & Speaking Engagements

- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 13, 2015
- "Ambush" Elections Have Arrived: Are You Ready?, April 10, 2015
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 15, 2013
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 14, 2013
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 13, 2013
- 4th Annual Public Sector Employment Law Update, *Phoenix, AZ*, February 14, 2013
- Tribal Enterprise Operations: National Labor Relations Board (NLRB) Jurisdiction , *Las Vegas, NV*, October 19, 2012
- 3rd Annual Public Sector Employment Law Update, *Phoenix, AZ*, May 23, 2012
- The NLRB and DOL Try to Breathe New Life Into Union Organizing and Regulation of Employee Conduct, *Littler Mendelson, Scottsdale, AZ*, May 10, 2012
- Managing Employee Leaves of Absence and Requests for Intermittent Leave, *Phoenix, AZ*, February 8, 2012
- Change Is Here! What Does the NLRB Have in Store for Your Business?, *Tolleson, AZ*, October 20, 2011
- Change Is Here! What Does the NLRB Have in Store for Your Business?, *Scottsdale, AZ*, October 19, 2011
- Change Is Here! What Does the NLRB Have in Store for Your Business?, *Phoenix, AZ*, October 18, 2011
- The ADAAA Final Regulations, *Phoenix, AZ*, May 4, 2011
- 2nd Annual Public Sector Employment Law Update, *Tempe, AZ*, February 17, 2011
- Employment Law Update , *Phoenix, AZ*, September 30, 2010
- 2010 Public Sector Employment Law Update, *Surprise, AZ*, March 19, 2010
- What Arizona Employers Need to Know About Labor Law Issues Permeating the Workplace , *Phoenix, AZ*, February 3, 2010
- Who Says That Social Networking Is Just for Kids? , *Phoenix, AZ*, December 10, 2009
- Best Practices for Downsizing and Preparing for the Employee Free Choice Act , *Phoenix, AZ*, April 15, 2009

**Phoenix**

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**Practice Areas**

Discrimination and Harassment  
Training - Compliance, Ethics, Leadership  
Unfair Competition and Trade Secrets  
Litigation and Trials  
Healthcare

**Overview**

Shawn Oller is a trial lawyer who represents management and companies in all aspects of employment litigation arbitration, and mediation. Shawn is certified by the New Mexico Board of Specialization in employment and labor law. He practices in federal and state courts in Arizona, New Mexico, and Texas, and before and against federal agencies like the Equal Employment Opportunity Commission and comparable state agencies. He has extensive experience defending harassment and discrimination claims under:

- Title VII of the Civil Rights Act
- The Age Discrimination in Employment Act
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The Arizona Employment Protection Act
- The Arizona Civil Rights Act
- The New Mexico Human Rights Act
- The Texas Human Rights Act



Shawn also defends state law claims for:

- Breach of contract
- Negligent hiring
- Supervision and retention
- Defamation
- Wrongful termination

Some of his notable decisions in Arizona, New Mexico, and Texas include:

- U.S. District Court, District of Arizona: obtained adverse inference in trade secret case based on destruction of evidence, leading to favorable settlement for client.
- U.S. District Court, District of Arizona: defense verdict against the Equal Employment Opportunity Commission in trial of retaliation case under the Americans with Disabilities Act, following dismissal of disability discrimination claim on summary judgment.
- U.S. District Court, District of New Mexico: defense verdict in trial of race discrimination and hostile work environment case under Title VII and Section 1981 where third-party witnesses testified about the allegedly hostile work environment and plaintiff's expert witness diagnosed plaintiff with post-traumatic stress disorder.
- District Court, El Paso, Texas: obtained dismissal with prejudice of nonsubscriber negligence claim for health-care client.
- Superior Court of Arizona: obtained summary judgment on behalf of municipality against former employee because plaintiff's claims, based on alleged constructive discharge, were untimely.
- Texas Court of Appeals: unanimous opinion reversing trial court and ordering plaintiff's claims to arbitration pursuant to parties' agreement.
- U.S. District Court, District of Arizona: obtained summary judgment against 19 "class" members in sexual harassment case filed by Equal Employment Opportunity Commission and Arizona Attorney General's Office.
- Superior Court of Arizona: obtained summary judgment on behalf of municipality against 1100+ members of class and, later, decertifying class as to remaining 35 individuals.
- U.S. District Court, District of New Mexico: during deposition of plaintiff-whistleblower, obtained voluntary dismissal of all claims against client in exchange for waiving potential sanctions against plaintiff and opposing counsel.
- U.S. District Court, Western District of Texas: dismissal of FMLA claim against trucking company because truck driver was ineligible for FMLA benefits.
- United States Court of Appeals, Ninth Circuit: unanimous opinion affirming dismissal of police officer's lawsuit against municipality for alleged violations of Title II of the ADA.
- U.S. District Court, District of Arizona: obtained summary judgment on behalf of municipality against two former police officers alleging gender and race discrimination as well as retaliation against former municipal employer.
- New Mexico Court of Appeals: unanimous opinion affirming summary judgment and dismissing plaintiff's claims based on federal labor law preemption.



- U.S. Court of Appeals, Fifth Circuit: unanimous opinion affirming summary judgment for trucking company under Motor Carrier Act exemption and holding that staff leasing company stands in shoes of trucking company for exemption purposes.
- U.S. District Court, Northern District of Texas: obtained summary judgment on behalf of defendant trucking company, dismissing 26-plaintiff collective action under the FLSA based upon Motor Carrier Act exemption.
- U.S. Court of Appeals, Tenth Circuit: unanimous opinion affirming summary judgment in race discrimination claim under Title VII.
- U.S. District Court, District of New Mexico: obtained summary judgment on behalf of retail superstore in third-party retaliation claim under Title VII.
- U.S. District Court, Northern District of Texas: obtained order on behalf of defendant trucking company denying plaintiffs' motions to certify FLSA collective action and motion to toll limitations period.
- U.S. District Court, Arizona: obtained summary judgment for the Diocese under the Ministerial Act exemption in highly publicized case.
- Texas Court of Appeals: opinion affirming summary judgment for employer in a nonsubscriber negligence action under Texas law.
- United States District Court, Western District of Texas: sister decisions from the Western District of Texas exploring contours of the WARN act.

Additionally, Shawn regularly counsels employers on day-to-day personnel matters and practices and compliance, offers telephone advice, and conducts in-house training on employment-related topics. Working with both private and public entities, he counts among his many clients:

- Trucking companies
- Retail establishments
- Public employers
- Municipalities
- Counties
- State governments

Shawn has spoken extensively on a variety of labor issues before business and professional associations. He taught review courses as part of the PHR/SPHR Certification program, as well as a 15-hour seminar course for graduate students on alternative dispute resolution.

The office managing shareholder of Littler Mendelson's Phoenix office, Shawn is a member of Littler Mendelson's Associates Committee and also serves on the firm's Diversity & Inclusion Council and the Good Business Practices Committee. Previously, he worked as an associate at a firm in El Paso, Texas, and at another firm in Phoenix.

### **Professional and Community Affiliations**

- Member, American Bar Association
- Member, State Bar of Arizona
- Member, State Bar of New Mexico



- Member, State Bar of Texas

### Recognition

- Named, The Best Lawyers in America©, 2015-2016
- Named, America's Leading Lawyers for Business, Chambers USA, 2012-2015

### Education

J.D., Baylor University School of Law, 1995  
B.S., Northeastern University, 1992

### Bar Admissions

Arizona  
New Mexico  
Texas

### Courts

U.S. Court of Appeals, 5th Circuit  
U.S. Court of Appeals, 9th Circuit  
U.S. Court of Appeals, 10th Circuit  
U.S. District Court, District of Arizona  
U.S. District Court, District of New Mexico  
U.S. District Court, Northern District of Texas  
U.S. District Court, Southern District of Texas  
U.S. District Court, Western District of Texas

### Publications and Press

- Study: Men Nearly 3 Times as Likely to Earn Six-Figure Salary as Women, *Phoenix Business Journal*, February 25, 2016
- Politically Correct Microaggressions at College Campuses Headed to Workplaces, *Phoenix Business Journal*, November 17, 2015
- Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition, *Littler Press Release*, August 18, 2015
- Chambers USA Recognizes Littler and Its Attorneys, *Littler Press Release*, May 20, 2015
- Littler Attorneys Included in the Best Lawyers in America© 2015 Edition, *Littler Press Release*, August 18, 2014
- Littler and Its Attorneys Ranked In 2014 Chambers USA Guide, *Littler Press Release*, May 23, 2014
- Arizona Court of Appeals Decision Will Cause Employers to Reevaluate Restrictive Covenants Contained in Employment Agreements, *Littler ASAP*, November 8, 2013
- Shawn Oller To Lead Littler's Phoenix Office, *Littler Press Release*, September 9, 2013
- Littler Mendelson Named in the 2013 Chambers USA Guide, *Littler Press Release*, May 24, 2013
- New Mexico Charge of Discrimination Form Creates Trap for the Unwary, *Littler Insight*, February 27, 2012



- Fifth Circuit Holds Staff Leasing Company May Assert Motor Carrier Exemption, *Littler ASAP*, September 13, 2010

### **Events & Speaking Engagements**

- Hot Topics in HR, *2015 Employment Law and Legislative Conference - SHRM New Mexico, Albuquerque, NM*, February 26, 2015
- A Whistleblowing Whistle-Stop Tour: The Hottest Trends and Topics in Whistleblowing and Retaliation, *2015 Employment Law & Legislative Conference - Arizona SHRM, Phoenix, AZ*, February 25, 2015
- The Conflict Between Legal Compliance and Effective Business Operations – What HR Can Do to Further Both Goals, *2014 New Mexico Conference - Society for Human Resource Management, Albuquerque, New Mexico*, April 7, 2014
- 2014 Whistleblowing & Retaliation Update, January 29, 2014
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 15, 2013
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 14, 2013
- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 13, 2013
- Work Life Balance and Making Partner, *Seminar and Diversity Expo - DRI Diversity for Success, Chicago, IL*, May 30-31, 2013
- 4th Annual Public Sector Employment Law Update, *Phoenix, AZ*, February 14, 2013
- Controlling Employee Personal Behavior in the Age of Social Media and Personal Technology, *Annual Legal Update - Conference Northern New Mexico Human Resources Association, Santa Fe, New Mexico*, September 11, 2012
- 3rd Annual Public Sector Employment Law Update, *Phoenix, AZ*, May 23, 2012
- 10 Thorny Issues, *2012 New Mexico Conference, Society for Human Resource Management*, March 26, 2012
- 2nd Annual Public Sector Employment Law Update, *Tempe, AZ*, February 17, 2011
- 2010 Public Sector Employment Law Update, *Surprise, AZ*, March 19, 2010
- 2010 Annual Conference, *Society for Human Resource Management - New Mexico*, February 8, 2010
- 2010 Legislative and Employment Law Conference, *Arizona Society of Human Resource Management*, February 5, 2010
- Who Says That Social Networking Is Just for Kids? , *Phoenix, AZ*, December 10, 2009
- Best Practices for Downsizing and Preparing for the Employee Free Choice Act , *Phoenix, AZ*, April 15, 2009

### **Books & Book Chapters**

- *The In-House Counsel's Essential Toolkit, Volume 4 - Employment Law, American Bar Association, 2007*

**Phoenix**

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**Practice Areas**

Unfair Competition and Trade Secrets  
Discrimination and Harassment  
Whistleblowing and Retaliation  
Policies, Procedures and Handbooks

**Overview**

Kristy L. Peters represents and counsels employers regarding all types of labor and employment matters arising under federal and state laws, including:

- Discrimination issues
- Unfair competition
- Trade secrets
- Restrictive covenants
- The Legal Arizona Workers Act
- Title VII of the Civil Rights Act
- The Family and Medical Leave Act
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Uniform Trade Secrets Act
- Arizona Medical Marijuana Act

Kristy appears in courts in Arizona and before the Equal Employment Opportunity Commission and National Labor Relations Board. She also drafts employer policies and handbooks, conducts employee training, and implements workforce audits.

Some of Kristy's notable decisions include the following:

- Obtained a temporary restraining order against a former employee and her new employer for violation of a non-solicitation agreement and misappropriation of trade secrets



- Prevailed on summary judgment in case where former employee alleged race and age discrimination
- Obtained adverse inference in trade secret case based on destruction of evidence, leading to favorable settlement for client
- Prevailed on summary judgment against former employee alleging wrongful termination under the Arizona Employment Protection Act and defamation
- Summary judgment affirmed in case alleging numerous counts of discrimination as well as violation of other state and federal laws
- Obtained summary judgment against 19 “class” members in sexual harassment case filed by Equal Employment Opportunity Commission and Arizona Attorney General’s Office

In law school, Kristy was articles editor for the *Minnesota Journal of Law, Science & Technology* and in college she was a sports writer for *The Daily Cardinal*.

### **Professional and Community Affiliations**

- Member, Board of Directors, Federal Bar Association, Phoenix Chapter, 2013-present
- Member, Executive Council, Young Lawyers Division, State Bar of Arizona, 2006 - 2011
- Member, Arizona Women Lawyer's Association
- Member, Law and Legislative Action Committee, SHRM of Greater Phoenix (SHRMGP)
- Member, CLE Committee, Labor and Employment Law Section, State Bar of Arizona
- Member, Society of Human Resource Management
- Member, DRI
- Member, Board of Directors, Arizona Center for the Blind and Visually Impaired, 2009-2011
- Member, Central Phoenix Women

### **Recognition**

- Named, Rising Star, Arizona Southwest, *Super Lawyers*, 2014 and 2015
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*

### **Education**

J.D., University of Minnesota Law School, 2006, *cum laude*  
B.B.A., University of Wisconsin, 2003, *With Distinction*

### **Bar Admissions**

Arizona  
Colorado

### **Courts**

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

### **Publications and Press**

- Annual Report on EEOC Developments – Fiscal Year 2015, *Littler Report*, January 12, 2016

- Littler Elevates 15 Attorneys to Shareholder, *Littler Press Release*, January 4, 2016
- Supreme Court Confirms EEOC Conciliation Efforts are Subject to Judicial Review, *Littler Insight*, April 30, 2015
- NLRB Lawyer dishes out common employer handbook mistakes, *The Record Reporter*, April 20, 2015
- Annual Report on EEOC Developments - Fiscal Year 2014, *Littler Report*, January 5, 2015
- Arizona Supreme Court Holds the Arizona Uniform Trade Secrets Act Does Not Preempt Tort Claims Based on Misappropriation of Confidential Information, *Littler Insight*, December 16, 2014
- Paying Unused Vacation to Arizona Employees, *Phoenix Business Journal*, November 2014
- The Ninth Circuit Holds Section 303 of the Labor Management Relations Act Does Not Completely Preempt State Law Claims That May Constitute Secondary Boycott Activity, *Record Reporter*, October 2014
- Personnel Files Access to Arizona Employers, *Phoenix Business Journal*, September 2014
- Supreme Court Agrees to Consider Controversial Conciliation Case, *Littler ASAP*, June 30, 2014
- Annual Report on EEOC Developments - Fiscal Year 2013, *Littler Report*, January 22, 2014
- Seventh Circuit Holds Failure to Conciliate is Not a Defense Available to Employers in Litigation with the EEOC, *Littler Insight*, December 30, 2013
- Arizona Court of Appeals Decision Will Cause Employers to Reevaluate Restrictive Covenants Contained in Employment Agreements, *Littler ASAP*, November 8, 2013
- Annual Report on EEOC Developments – Fiscal Year 2012, *Littler Report*, January 8, 2013
- Arizona's Highest Court Refuses to Find Employer Vicariously Liable for Employee's Business Trip Car Accident, *Littler Insight*, July 16, 2012
- Arizona Medical Marijuana Law Update: State Files Lawsuit to Clarify Obligations Under the Act, and the Drug Testing Modifications Go Into Effect, *Littler Insight*, July 19, 2011
- Arizona Legislature Helps Clear the Haze for Employers Dealing with the Arizona Medical Marijuana Law, *Littler Insight*, May 2, 2011
- Regional Challenges: Southwest--May 2011, *PEO Insider*, May 2011
- Modified Excel Spreadsheet Is Not a Trade Secret Under Arizona Law, *Littler ASAP*, April 14, 2011
- Yes We Can[nabis]!: Voters Approve the Arizona Medical Marijuana Act, *Littler Insight*, November 24, 2010
- Arizona Court of Appeals Rules Against Company in Breach of Fiduciary Duty/Unfair Competition Case Against Former Vice President, *Littler Insight*, June 10, 2010

### Events & Speaking Engagements

- Law and Legislative Update Panel, *SHRMGP West Valley Breakfast, Glendale, AZ*, January 28, 2016
- You Can't Make Me Come To Work: Case Studies Under the ADA, Reasonable Accommodation and Protected Leaves of Absence, *Arizona SHRM 2015 State Conference, Phoenix, AZ*, August 27, 2015
- Past, Present, & Future of Employment & Labor Law: Lessons Learned, Critical New Developments & Future Challenges - The 2015 Employment Law Update, *Central Arizona*

*Human Resource Management Association Monthly Meeting, Casa Grande, AZ, August 12, 2015*

- *Top Employment Issues Faced by In-House Counsel, State Bar of Phoenix, Phoenix, AZ, November 5, 2014*
- *The 2014 Arizona Employer Conference, Phoenix, AZ, October 2, 2014*
- *Employee Document Essentials – What to Keep, What to Trash and What Could Land Your Business in the Courtroom, SHRM of Greater Phoenix, University Club, Phoenix, AZ, September 23, 2014*
- *Defending Title VII Litigation: Rethinking Strategies After Recent Employee-Friendly Federal Court Rulings, Stafford National Webinar, June 18, 2014*
- *Let the Whistle Blow: Understanding and Responding to Retaliation Claims, State Council Law & Legislative Conference - Arizona SHRM, Phoenix, AZ, February 2014*
- *Employment Law Update, Organization for Nonprofit Executives (ONE), Phoenix, AZ, November 30, 2012*
- *Employment Law Update, Central Arizona Human Resource Management Association, Casa Grande, AZ, November 14, 2012*
- *Employer Obligations Under The Arizona Medical Marijuana Act, Northwest Arizona Human Resource Association, Kingman, AZ, November 9, 2012*
- *Three Legal Stumbles to Avoid in Your Small Business, Annual Conference - Arizona SHRM, August 2012*
- *3rd Annual Public Sector Employment Law Update, Phoenix, AZ, May 23, 2012*
- *Conducting Workplace Investigations, Legislative Action Committee - Valley of the Sun Human Resources Association, May 2012*
- *Employment Law Update, Organization for Nonprofit Executives (ONE), Phoenix, AZ, November 2011*
- *Employment Law Update, Central Arizona Human Resource Management Association, November 2011*
- *Public Employer, Employment Law Update, Annual Conference - Arizona SHRM, August 2011*
- *Healthcare Reform and Medical Marijuana, Central Arizona Human Resource Management Association, April 2011*
- *Annual Public Sector Employment Law Update, February 2011*
- *Employment Law Update, Central Arizona Human Resource Management Association, November 2010*
- *Top Ten Human Resources Mistakes, October 2010*
- *Lock It Up: Protecting Your Trade Secrets and Preventing Unfair Competition, Better Business Bureau Legal Services, October 2008*

**Phoenix**

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**Practice Areas**

Discrimination and Harassment  
Leaves of Absence and Disability Accommodation  
Unfair Competition and Trade Secrets  
Wage and Hour

**Overview**

Peter C. Prynkiewicz represents employers in connection with all types of claims involving:

- Discrimination
- Harassment
- Wrongful termination
- Leave and disability
- Breach of employment contracts
- Restrictive covenants
- Wages

He appears in state and federal courts and before various administrative agencies and has successfully obtained verdicts and decisions for clients in jury trials, bench trials, arbitrations, and administrative hearings. He has particular experience with matters arising under:

- Title VII
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The Fair Labor Standards Act

Peter also conducts training for managers, supervisors, and employees on harassment, discrimination, and disability/leave issues and advises employers on preparing and implementing employment policies, conducting investigations, and strategies for avoiding discrimination and harassment claims.



Additionally, Peter frequently speaks on employment discrimination, disability and leave issues, and other employment-related topics at employment law seminars in Arizona.

### **Professional and Community Affiliations**

- Member, Labor and Employment Section, Arizona State Bar
- Member, Section of Labor and Employment Law, American Bar Association
- Member, Equal Employment Opportunity Committee, American Bar Association
- Member, Employee Rights and Responsibilities Committee, American Bar Association
- Member, Federal Labor Standards Legislation Committee, American Bar Association

### **Education**

J.D., Notre Dame Law School, 1993, *magna cum laude*

B.A., University of Scranton, 1990, *summa cum laude*

### **Bar Admissions**

Arizona

### **Courts**

U.S. Court of Appeals, 9th Circuit

**Phoenix**

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**Overview**

Lindsay M. Schafer represents and counsels clients in all aspects and stages of employment litigation, arbitration and mediation, including claims based on:

- Title VII of the Civil Rights Act
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act
- The Arizona Civil Rights Act
- Discrimination and harassment
- Retaliation
- Wrongful discharge
- Wage and hour disputes
- Unfair competition, trade secrets, and restrictive covenants

Lindsay also appears before the Equal Employment Opportunity Commission and Arizona Civil Rights Division, and is experienced in defending against all types of administrative charges. Prior to joining Littler Mendelson, she served as a judicial extern to the Hon. G. Murray Snow, U. S. District Court, District of Arizona.

In law school, Lindsay coached undergraduate mock trial teams in the American Mock Trial Association.

**Professional and Community Affiliations**

- Member, Board of Directors, Phoenix Public Library Foundation, 2012-present
- Member, Labor and Employment Section, State Bar of Arizona, 2012- present
- Member, Maricopa County Bar Association, 2011-present
- Member, Board of Directors, Litigation Section, Maricopa County Bar Association, 2012 and 2013



### **Recognition**

- Named, Rising Star, *Super Lawyers*, 2013

### **Education**

J.D., University of Arizona College of Law, 2011, *cum laude*

B.A., University of Redlands, 2008, *With Honors*

### **Bar Admissions**

Arizona

### **Courts**

U.S. District Court, District of Arizona

### **Events & Speaking Engagements**

- Arizona Update, Employer Aid 2013: A Year in Review and a Look Forward, *Firm Presentation*, *Phoenix, AZ*, October 2, 2013

**Phoenix**

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**Practice Areas**

Policies, Procedures and Handbooks  
Discrimination and Harassment  
Hiring, Performance Management and Termination  
Labor Management Relations  
Leaves of Absence and Disability Accommodation

**Overview**

Barry H. Uhrman successfully defended cases for Fortune 500 clients and public and private sector employers in federal and state courts and before administrative agencies, regarding:

- Title VII of the Civil Rights Act
- The Americans with Disabilities Act (ADA)
- The Age Discrimination in Employment Act (ADEA)
- The Family and Medical Leave Act (FMLA)
- The Fair Labor Standards Act (FLSA)

Barry has represented public and private sector employers in various labor law matters and during negotiations, including:

- Representing private employers in National Relations Labor Act (NLRA) matters
- Defending governmental entities before various employment relations boards, including the Phoenix Employment Relations Board, regarding unfair labor practice charges and internal labor grievance proceedings
- Drafting agreements, memoranda of understanding, and memoranda of agreement with labor unions and associations

Barry has extensive experience drafting employee handbooks and employment policies, including policies related to drug testing, medical marijuana, social media, and disability and leaves of absence. He has defended public entities, municipalities, and private prisons in Section 1983 cases



and civil rights matters. He has revised privacy and data security administrative regulations for governmental entities.

Barry has represented clients in other areas of employment law and commercial litigation, including cases involving employment law torts. He has extensive experience with federal and state litigation concerning:

- Trade secrets
- Enforcement of covenants not to compete
- Interference with business advantage
- Violation of the right of publicity
- Defamation
- Tortious interference

Barry serves as the editorial contributor of the *Duke Basketball Media Guide*. Prior to joining Littler, he spent twelve years at large firms in the private sector and three years as in-house counsel for the City of Phoenix. During law school, he was a research assistant for Professor William A. Reppy, Jr. at Duke University School of Law.

#### **Professional and Community Affiliations**

- Member, International Municipal Lawyers Association
- Member, Horace Rumpole Inn of Court
- Member, Arizona Association of Defense Counsel
- Member, Maricopa County Bar Association
- Member, Defense Research Institute
- President, Alumni Club of Arizona, Duke University, 2001-2002 and 2004-2008
- Member, Alumni Admissions Advisory Committee, Duke University

#### **Recognition**

- Named, *Arizona's Finest Lawyers*, 2011
- Recipient, Merit Scholarship, *Duke University School of Law*
- Named, Battelle Scholar, *The Ohio State University*
- Named, Ohio Academic Scholar, *The Ohio State University*

#### **Education**

J.D., Duke University School of Law, 2000

B.A., The Ohio State University, 1997, *with honors, magna cum laude, Phi Beta Kappa*

#### **Bar Admissions**

Arizona

#### **Courts**

U.S. Court of Appeals, 6th Circuit



U.S. Court of Appeals, 9th Circuit  
U.S. District Court, District of Arizona  
U.S. District Court, Northern District of Ohio

### **Publications and Press**

- Limit Your Exposure: Critical Components of Harassment Policies and Internal Investigations, *For the Defense Magazine*, August 2012
- Public Employer Damage Control: Critical Components of Harassment Procedures, and Conducting Internal Investigations to Limit Liability, *Municipal Lawyer Magazine*, July/August 2012
- Navigating the Minefields: Drug Testing for Public and Private Employers, *USLAW Magazine*, Spring/Summer 2010
- Damage Control: Limiting Exposure to Workplace Harassment Claims, *USLAW Magazine*, Spring/Summer 2009

### **Events & Speaking Engagements**

- Freedom of Speech, but Freedom from Consequences? First Amendment Issues for Public Employers and Public Employees, *National Public Employer Labor Relations Association*, December 9, 2015
- Speech and Communication Issues in the Workplace and the Impact of Social Media, *2015 Arizona Employer Conference, Phoenix, AZ*, October 2015
- Post, Like, Tweet, Snap, and Share...And Should Lawyers Beware?, *Horace Rumpole Inn of Court*, April 2015
- Ethical and Practical Tips and Lessons Learned from Movies, *Horace Rumpole Inn of Court*, November 2013
- Drug Testing and Medical Marijuana: Policies, Procedures, and Pitfalls for Public Employers/Law Enforcement, *Arizona Association of Defense Counsel*, February 2013
- ADA and FMLA Practices and Pitfalls for Public Employers, *Arizona Association of Defense Counsel*, May 2012
- The Wild and Wacky World of Intellectual Property, *Horace Rumpole Inn of Court*, March 2012
- Experts Fry'd and Tested, *Horace Rumpole Inn of Court*, October 2010
- Practically Speaking: The ADAAA – Managing Injured and Ill Workers under the New ADA, *Arizona Work Disability Prevention Association*, March 2009

**Phoenix**

Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, AZ 85016

Direct: (602) 474-3616  
cgwalker@littler.com



**Practice Areas**

Wage and Hour  
Class Actions

**Overview**

Cory G. Walker counsels and represents management clients, particularly in the hotel and gaming industries, in connection with a broad range of employment matters arising under state and federal law. He is particularly experienced with:

- Wage and hour class action litigation
- Wage and hour compliance counseling
- Fair Labor Standards Act claims
- Administrative charges
- Other litigation

Additionally, Cory assisted with the authorship and research for an extensive memorandum that addressed the implications of privilege with regard to internal wage and hour audits. He also has provided clients with counseling on internal audits for compliance with overtime exemptions, with particular emphasis on computer professionals.

Prior to joining Littler, Cory worked as an interim law clerk in the chambers of the Hon. Lloyd D. George, U.S. District Court for the District of Nevada.

**Professional and Community Affiliations**

- Member, American Bar Association
- Secretary, Labor and Employment Law Section, State Bar of Nevada

**Education**

J.D., University of Michigan Law School, 2009, *cum laude*  
B.A., Brigham Young University, 2006, *cum laude*



## **Bar Admissions**

Arizona  
Nevada

## **Publications and Press**

- U.S. Supreme Court: Antitheft Security Screening Not Part of the Job for FLSA Compensation Purposes, *Littler Insight*, December 23, 2014
- Supreme Court Grants Cert to Review Compensability of Security Screening Time, *Littler ASAP*, March 6, 2014
- Recent Developments in Employment Law , *Southern Nevada Human Resources Association (SNHRA) Newsletter*, Monthly

## **Events & Speaking Engagements**

- Hot Topics in Employment and Labor Law, *Phoenix, AZ*, August 13, 2015
- Legal Updates for 2011, *Society of Human Resource Management, Student Chapter*, August 18, 2011
- Trend Spotting: 2011 Employment Update , *Las Vegas, NV*, June 23, 2011
- Emerging EEO Challenges in the Coming Decade, *Nevada Employer Conference - Littler Mendelson*, *Las Vegas, NV*, November 2 and 4, 2010

**Phoenix**

Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, AZ 85016

Direct: (602) 474-3606  
jwaltman@littler.com

**Practice Areas**

Discrimination and Harassment  
Leaves of Absence and Disability Accommodation  
Litigation and Trials  
Unfair Competition and Trade Secrets  
Staffing and Contingent Workers

**Overview**

Josh Waltman represents and counsels employers in litigation and administrative matters, including:

- Title VII of the Civil Rights Act
- The Americans with Disabilities Act (ADA)
- The Age Discrimination in Employment Act (ADEA)
- The Arizona Civil Rights Act
- The Family and Medical Leave Act (FMLA)
- Discrimination and harassment
- Handbooks and Policies
- Retaliation
- Wrongful discharge
- Wage and hour class and collective actions
- Unfair competition, trade secrets, and restrictive covenants

Prior to joining Littler, he served as Court Counsel for Maricopa County Superior Court, the fourth largest trial court in the country, where he advised the Presiding Judge and Court Administrator.

Josh clerked for Chief Judge Roslyn O. Silver at the U.S. District Court for the District of Arizona and served on the Civil Rights-Civil Liberties Law Review at Harvard Law School. Josh volunteers with the Anti-Defamation League implementing anti-bullying programs in schools. He has also served as a Judge Pro Tem for the Maricopa County Superior Court.



### **Professional and Community Affiliations**

- Member, Education Committee, Anti-Defamation League, 2005-Present
- Adjunct Professor, Arizona Summit Law School, 2014-2015
- Judge Pro Tem, Maricopa County Superior Court, 2014-2015

### **Education**

J.D., Harvard Law School, 2004

B.S., Arizona State University, 2001, *magna cum laude*

### **Bar Admissions**

Arizona

### **Courts**

U.S. District Court, District of Arizona

U.S. Court of Appeals, 9th Circuit

### **Publications and Press**

- Technology Transfer at Universities, *IP Today*, August 2003

### **Events & Speaking Engagements**

- Independent Contractor Classification Under Attack, *American Bar Association TIPS Corporate Counsel Committee*, December 2015

Prepared for

# Pinal County Finance Department

*ROQ-151721 – Section Three*

**Ms. Lorina Gillette, CPPB**  
Procurement Office  
**Pinal County Finance Department**  
31 N. Pinal Street, Building A  
Post Office Box 1348  
Florence, Arizona 85132

**March 29, 2016**

**Submitted by:**

Littler Mendelson, P.C.  
Camelback Esplanade  
2425 East Camelback Road, Suite 900  
Phoenix, Arizona 85016

**Contact:**

**Mark Ogden**  
Shareholder  
(602) 474-3601  
mogden@littler.com

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## Exceptions to Terms and Conditions

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None

	<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.

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

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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 titled, “Insurance” above, except certificates of insurance shall be issued and delivered to Customer prior to Subcontractor’s performance under this contract.

**SECTION 6. INDEMNIFICATION**

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

**SECTION 7. NOTICE OF CLAIM**

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

**SECTION 8. CLAIMS/LIMITATION OF ACTION**

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

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

## SECTION 9. CANCELLATION OR TERMINATION OF CONTRACT

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

## SECTION 10. INCORPORATION OF UNIFORM GENERAL TERMS AND CONDITIONS

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

## SECTION 11. DISPUTE RESOLUTION

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

## SECTION 12. MISCELLANEOUS

- a) **Assignability.** This contract is non-assignable in whole or in part by either party without the written consent of both parties.
- b) **Authority of Signatory.** The individuals signing this Contract and any supplements, warrant that they have been duly authorized and vested with the power to do so on behalf of their entity.
- c) **Beneficiaries.** This Contract shall inure solely to the benefit of Contractor and Customer, and shall create no rights in any other person or entity.
- d) **Comparable Treatment.** All of the prices, terms, warranties and benefits granted by Contractor herein are comparable to or better than the equivalent terms being offered by Contractor to any similar situated customer.
- e) **Exhibits, Plats, Riders and Addenda.** All plats, riders, exhibits or addenda, if any, affixed to the Contract are a part hereof.

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

 <b>PINAL COUNTY</b> <i>wide open opportunity</i>	<b>ROQ – 151721</b> <b>SPECIALTY LEGAL SERVICES</b>	Pinal County Finance Department 31 N. Pinal St. Bldg. A P.O. Box 1348 Florence, AZ 85132
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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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CONTRACTOR**

**PINAL COUNTY**

  
By: Mark Ogden  
Title: Shareholder  
Date: 3/29/16

\_\_\_\_\_  
Todd House, Chairman  
Board of Supervisors  
  
Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Sheri Cluff  
Clerk of the Board

**Approved as to Form:**

\_\_\_\_\_  
Chris Keller, Deputy County Attorney

## SCHEDULE A: PRICING SUPPLEMENT

The hourly rate of \$400.00 will be the rate for all authorized and approved Specialty Legal Services under this contract.

### Attorney-Specific Rates

Littler’s standard billing rates are very competitive and frequently lower than rates charged by firms of similar size and quality. Littler focuses on employment law and labor relations matters, and utilizes technology in sharing and disseminating information internally and with clients. This enables us to deliver the highest quality services and obtain client objectives with greater efficiency for an overall lower cost than firms with lower hourly rates yet less expertise, experience and efficiency.

The billing rates for the attorneys proposed are as follows:

Position	Location	Standard Rates
Shareholder	Phoenix	\$295
Associate	Phoenix	\$255
Paralegal	Phoenix	\$95

All expenses are discussed with clients in advance and billed at the cost incurred by Littler. We charge only for expenses such as filing, court reporter, and expert witness fees; outside photocopying and messenger services; and out-of-pocket travel expenses, including mileage at the rate authorized by the IRS. Expenses that exceed \$2,000 are usually billed directly to our clients. Littler does not charge clients for photocopies or long-distance telephone costs.

### Alternative Fee Arrangements

Littler has entered into many successful alternative fee arrangements (AFAs) with clients, for a wide variety of employment-related legal work. In our experience, when structured appropriately, such arrangements help align client and counsel in a collaborative partnership, providing cost predictability and value for clients while also giving Littler reasonable compensation, clear goals and incentive to be efficient.

Below we describe examples of AFAs that many of Littler’s clients have found to be cost-effective. Should you wish to explore any of these or other pricing options, we would be happy to discuss in more detail the pricing strategies best suited to meet your objectives, as well as your historical and anticipated legal needs, in order to develop tailored pricing options.

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## Annual Flat Fee

If a client wishes to engage Littler for all or a significant portion of its employment and labor law needs in the U.S., we can offer an annual flat fee (plus expenses), payable in equal monthly amounts. To ensure that the annual fee arrangement is fair to both parties, it may be subject to a mutually agreed-on review and adjustment mechanism, such as the fee collar described below, that allows us to share the risk that the actual level of effort required is significantly less or greater than the anticipated level.

## Monthly Advice Retainer

To provide timely day-to-day employment advice, we can offer an arrangement whereby your in-house counsel, executive management and HR representatives will have direct phone and email access to a core group of Littler attorneys, for a flat monthly fee. As with annual flat fees, the monthly flat fee is typically subject to a periodic review of the actual level of effort required.

Under this arrangement, Littler provides advice in relation to personnel matters, employment issues, labor relations matters, and compliance with federal and state employment laws. Our service includes limited legal research, review of facts and documentation, preparation of correspondence, and recommendations with respect to company action/next steps.

## Fixed Fees for Different Matter Types

Littler offers fixed fee arrangements for many other types of engagements, such as those listed below. For each matter and AFA, the scope of work, price, phases (if applicable) and other terms are clearly agreed on between Littler and the client at the outset.

- **Administrative agency proceedings:** For discrimination charges and certain other types of administrative agency charges, a flat fee per charge.
- **Single-plaintiff employment litigation:** Fixed fees by phase through summary judgment. Variations on this AFA include a fixed fee per matter through summary judgment, or the inclusion of bonus mechanisms to incentivize Littler to achieve predefined success criteria.
- **Class and collective actions:** Fixed fees by phase, or monthly flat fees budgeted over the anticipated duration of the case, usually with a fee adjustment mechanism.
- **Labor arbitrations:** Fixed fees by phase or per matter, for single-grievance (discharge, suspension, and/or warning notice) labor arbitrations arising under a collective bargaining or other labor agreement.
- **OSHA hearings:** Fixed fees by phase.
- **Immigration:** Flat fees for a wide variety of U.S. and international work visas and permanent residence applications.

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- **Compliance assessments and training:** Flat fees for pay practice compliance reviews, exempt and independent contractor audits, international compliance reviews, and other employment practices audits, as well as for compliance training.
- **Employee handbooks and policies:** Flat fees for review, drafting, and updating, including state or international supplements.

## Risk-Sharing Mechanism

One of the underlying principles of a flat or fixed fee structure is to create a mutually beneficial arrangement that facilitates the development of a long-term partnership, in which financial risk and rewards are shared between the client and Littler. To ensure that the arrangement yields these mutual benefits, and to address any significant changes in volume or scope of work, we often work with clients to develop a “fee collar” or risk-sharing mechanism to be applied at specified intervals (e.g., at the end of a contract year, matter or phase).

This mechanism allows for a fee adjustment if actual fees incurred are a set percentage higher or lower than the fixed fee. Littler tracks actual hours worked, calculates the value at agreed-on hourly rates, and compares that value to the fixed fee. Littler and the client jointly review the comparison and determine whether an adjustment will be applied. Using a 10% collar as an example, for illustrative purposes:

- If actual fees fall within plus or minus 10% of the fixed fee, there is no adjustment.
- If actual fees are *less than* 90% of the fixed fee, Littler will refund the difference between 90% and the actual fees incurred.
- If actual fees are *greater than* 110% of the fixed fee, Littler will bill for the difference between the actual fees incurred and 110% of the fixed fee.

## Retention and Reward Approaches

We are willing to demonstrate our commitment to building a long-term, mutually beneficial business relationship with a client by offering a “fees at risk” or “retention and reward” arrangement, also known as a holdback. Under this approach, Littler puts a defined amount of fees at risk, which may be recovered subject to Littler’s performance.

In practice, Littler bills a client under the terms of the pricing agreed to by both parties, less the designated holdback percentage. Littler may recover a portion of or the entire amount withheld, including the possibility of a bonus, depending on the client’s assessment of Littler’s performance. Our performance is assessed at the conclusion of a matter or at periodic intervals, based on mutually agreed-on performance criteria. Following the assessment, the client may pay part or all of the withheld amount and bonus.

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## Blended Rates

For clients who prefer a blended hourly rate structure, we can offer either blended rates for each category of timekeeper (e.g., shareholder, senior associate, junior associate, paralegal), or one blended rate for all attorneys and a second blended rate for paralegals.

We typically review these blended rate arrangements annually to determine whether the rate reflects the complexity of work, geographic distribution and level of service required, and take into account any anticipated changes to the profile of the matters assigned to Littler under the arrangement.