GUST ROSENFELD
ATTORNEYS SINCE 1921 P.L.C.

PROPOSAL TO PROVIDE MUNICIPAL LEGAL SERVICES FOR THE CITY OF BENSON

Submitted by:

Gust Rosenfeld P.L.C.
One South Church Avenue, Suite 1900
Tucson, Arizona 85701-1627

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(*Firm Brochure with Attorney Resumes*)

GUST
ROSENFELD
ATTORNEYS SINCE 1921 P.L.C.

■ ONE S. CHURCH AVE., SUITE 1900 ■ TUCSON, ARIZONA 85701-1627 ■ TELEPHONE 520-628-7070 ■ FACSIMILE 520-624-3849 ■

August 14, 2013

VIA OVERNIGHT DELIVERY

City of Benson
Mayor, City Manager and City Council
120 West 6th Street
Benson, Arizona 85602

Re: Request for Proposals - Municipal Legal Services (the "RFP")

Dear Mayor, City Manager and City Council:

We are pleased to submit this formal offer in response to the RFP to provide legal services to the City of Benson (the "City"). For many key reasons, our firm is ideally suited to represent the City:

- Our vast experience in municipal law has resulted from providing general legal services to a wide array of municipal and public entity clients for over 90 years.

- We are a growing 59 attorney firm with lawyers in Tucson and Phoenix who practice in a broad range of public law specialties that are relevant to the City. Our Public Law practice group has the capacity to serve all of the City's needs.

- Given our broad civil practice, we are able to call on a particular lawyer for his or her specialty for virtually any problem and will spend significantly less time on education and researching issues. Where appropriate to the assignment, we utilize a team approach to leverage our broad experience for your benefit.

- We propose a significant ten percent (10%) discount off of our standard rates. We do not charge for travel time to and from meetings.

You will find our attorneys attentive and committed to helping the City foresee and address legal challenges. Attached to this letter are descriptions of our qualifications, experience, pricing and references.

Gust Rosenfeld has represented Arizona's public entities for over 90 years. We are confident that we can provide the City with quality legal service in a cost-effective manner.

Roger Frazier, Peter Collins, Jr. and Tim Stratton will be your primary contacts for this proposal and subsequent engagement. Please call them with questions or to schedule an in-person meeting if you would like to discuss our qualifications in greater detail. You can reach Roger at (520) 388-4786 (office); Peter Collins, Jr. at (520) 628-7073 or Tim at (602) 257-7465.

Very truly yours,

Roger W. Frazier
For the Firm

Very truly yours,

Timothy A. Stratton
For the Firm

FIRM BACKGROUND

LONG HISTORY OF PUBLIC LAW.

Gust Rosenfeld, P.L.C. was founded in 1921 and is one of Arizona's most established and respected firms. For nearly a century, our firm has represented Arizona's public entities, including most counties, many towns and cities, and nearly every school district. Before Arizona was a state, the attorneys of this firm partnered with governmental clients to achieve important goals to further the public welfare. The firm currently serves as town or city attorney for several Arizona municipalities. Gust Rosenfeld also provides legal services in its various areas of expertise as outside counsel to the State, many political subdivisions of the State, special taxing districts, counties, municipalities and school districts. Gust Rosenfeld, P.L.C. is organized as an Arizona professional limited liability company.

Our firm's attorneys have handled virtually every type of legal representation that arises from governmental operations and general municipal law, including public finance, administrative issues, employment disputes, real estate acquisition and sales, development and land entitlement matters, annexation, general plan matters, zoning matters, environmental issues, and most forms of municipal litigation. Our attorneys have been involved in multiple stadium use and financing negotiations, fire district litigation, school district and public official representation, employment and liability defense, various environmental matters for public entities, regulatory and real estate litigation on behalf of governmental clients, various matters related to solid waste disposal and much more.

EXPERIENCED LEGAL TEAM.

With a team of 59 attorneys, our firm enjoys the distinctive ability to command substantial resources for the benefit of our clients while maintaining the efficiency, affordability and responsiveness not found in today's mega-firms. We have experienced municipal and public law attorneys who are available to provide services to the City, several of whom have many years' experience as municipal attorneys. Gust Rosenfeld's thriving Public Law group comprises 22 attorneys, 15 of whom practice Public Law almost exclusively.

We are recognized by our communities for our legal excellence and leadership. Fifteen of our attorneys, including three in the Public Law group, are featured in *The Best Lawyers in America®*. Three attorneys in our Public Law practice have been designated as *Southwest Super Lawyers®* in the Bonds/Government Finance and Government/Cities/Municipalities categories. Our firm holds an "AV" rating, the highest rating given by the Martindale-Hubbell Law Directory—a leading resource in the legal field. In addition, more than half of our attorneys have an AV peer review rating (very high legal ability and very high ethics standards) by Martindale-Hubbell.

SUBSTANTIAL COMMUNITY INVOLVEMENT.

Gust Rosenfeld's attorneys are active, conscientious members of the community. Several of our attorneys hold leadership positions in the State Bar of Arizona and other local bar associations. We participate and hold board positions in other community organizations such as the Aid to Adoption of Special Kids, Arizona Educational Foundation, Arizona Town Hall, Esperança, Inc., Greater Phoenix Chamber of Commerce, Make-A-Wish Foundation, Phoenix Community Alliance, Phoenix Children's Hospital Foundation, and Valley Forward Association.

All lawyers employed at the firm are in good standing with the State Bar of Arizona. Gust Rosenfeld is an Equal Opportunity Employer.

COMMITMENT TO DIVERSITY ORGANIZATIONS.

We support and encourage all of our attorneys to actively participate in organizations and events designed to support minorities in the community. These include:

- NBA Diversity Pipeline Program, Inc., in which the firm is a Silver sponsor
- Hispanic Leadership Forum, in which the firm is a Gold sponsor
- FBA Indian Law Conference
- Minority Bar Convention
- Arizona Women Lawyers Association and Annual Convention
- Hispanic National Bar Association and Annual Convention
- Asian Pacific American Bar Association and Annual Convention
- Arizona Asian American Bar Association
- Los Abogados
- Arizona Black Bar Association
- Navajo Nation Bar Association
- Greater Phoenix Black Chamber of Commerce
- City of Tempe Diversity Dialogues I
- Fresh Start Women's Foundation Executive Board

OFFICE LOCATIONS.

Gust Rosenfeld serves its clients from offices located in Phoenix and Tucson. Our offices are located centrally in the business sections of both cities - close to courthouses and other governmental offices.

One South Church Avenue
Suite 1900
Tucson, Arizona 85701-1627
Telephone: (520) 628-7070
Facsimile: (520) 624-3849

One East Washington Street
Suite 1600
Phoenix, Arizona 85004-2553
Telephone: (602) 257-7422
Facsimile: (602) 349-1538

CLIENT REFERENCES

Our experience and expertise representing public entities is second to none. During the course of Arizona's history, we have served nearly every county, city, and town in our state. Below is a list of some of our firm's current public law clients:

Apache County
Apache Junction, City of
Avondale, City of
Buckeye, Town of
Bullhead City
Casa Grande, City of
Cave Creek, Town of
Chandler, City of
Cochise County
Coconino County
Coolidge, City of
Fountain Hills, Town of
Goodyear, City of
Kingman, City of
Lake Havasu City
Maricopa County
Mesa, City of
Mohave County
Navajo County
Oro Valley, Town of
Parker, Town of
Payson, Town of
Pima County
Phoenix, City of
Prescott, City of
Sahuarita, Town of
Surprise, City of
St. Johns, City of
Tempe, City of
Tolleson, City of
Willcox, City of
Winslow, City of
Yavapai County
Yuma County

References: City/Town	**Contact**	**Number**
City of Tucson 255 West Alameda Tucson, Arizona 85701	Mike Rankin, City Attorney Michael McCrory, City Attorney	(520) 791-4221 (520) 791-4221
Office of the Pima County Attorney 32 North Stone Avenue Tucson, Arizona 85701-1412	Amelia Craig Cramer, Chief Deputy Christopher L. Straub, Chief Civil Deputy	(520) 740-5598 (520) 740-5750
City of Avondale 11465 West Civic Center Drive Avondale, Arizona 85323	Charles P. McClendon, City Manager	(623) 333-1000
Town of Buckeye 530 East Monroe Avenue Buckeye, Arizona 85326	Stephen S. Cleveland, Town Manager	(623) 349-6000
Town of Fountain Hills 16705 East Avenue of the Fountains Fountain Hills, Arizona 85268	Kenneth W. Buchanan, Town Manager	(480) 816-5100
City of Tolleson 9555 West Van Buren Street Tolleson, Arizona 85353	Reyes Medrano, Jr., City Manager	(623) 936-7111

GENERAL AREAS OF LEGAL REPRESENTATION

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

- Administrative Law
- Aviation Law
- Bankruptcy
- Civil Rights Claims and Litigation
- Constitutional Law
- Discrimination issues and Litigation (State and Federal)
- Economic Development Law
- Elections, Voting Rights, Open Meeting and Public Records Law and Litigation
- Eminent Domain
- Employment Law including Personnel, Pensions, Benefits Issues, Employee Discipline and Termination, Employment Contracts and Litigation
- Engineering, Architectural and Construction Contracting Issues and Litigation
- Environmental Issues and Litigation
- General Civil Litigation
- HUD- Funded Housing, Mixed Finance Development and other Affordable Housing and Development
- Intellectual Property - Copyrights
- Intergovernmental Agreements
- Lending Law (including workouts and loan defaults)
- Municipal Finance Law
- Municipal Law
- Planning, Zoning and Land Use Issues and Litigation
- Police Legal Support and Issues
- Procurement Law
- Public Housing Law (CDBG, Section 8)
- Public Utility Law
- Real Estate Transactions and Litigation
- Retirement and ERISA Issues and Litigation
- Taxation Law and Litigation (including nonprofit and exempt entities)
- Tort Liability Defense and/or Insurance Coverage
- Transit/Transportation Issues
- Water Law

STANDARD OFFICE RATES
PROPOSAL PRICE BREAKDOWN SHEET

As a full-service law firm, we take pride in our diversity and depth and will utilize attorneys and support staff within our firm to diligently and quickly respond to the City's legal needs.

With a team of 59 attorneys, our firm enjoys the distinctive ability to command substantial resources for the benefit of our clients while maintaining the efficiency, affordability and responsiveness not often found in today's mega-firms. The majority of Gust Rosenfeld's attorneys are located in our Phoenix office and eight attorneys work from our Tucson office. We also employ 13 paralegals (two of whom are dedicated to the Public Law group), plus more than 60 support personnel.

By practice and by policy, Gust Rosenfeld's attorneys return phone calls and emails promptly and always within 24 hours. We have an extensive ability to provide client services through technological means so that clients are provided the full benefit of our firm's resources regardless of their location in the State.

Roger Frazier, Peter Collins and Tim Stratton, members of Gust Rosenfeld with experience serving municipalities, will serve as your main contacts and will be responsible for coordinating, to the City's satisfaction, all legal work performed by Gust Rosenfeld attorneys. Roger, Peter and Tim will be backed by the experience and expertise of other key attorneys at our firm. Roger can be reached at (520) 388-4786; Peter at (520) 628-7073 in our Tucson office. Roger and Peter will be your primary contacts for this proposal and subsequent engagement. Tim is located in our Phoenix office and can be reached at (602) 257-7465. Please call them with questions or to schedule an in-person meeting if you would like to discuss our qualifications in greater detail.

The City will receive a ten percent (10%) discount off of our Standard Rates. We do not charge for travel time. Our individual timekeeper rates are as follows:

	Hourly Rates	Discounted Rates (10%)
O'Brien	$450.00	$405.00
Bate, M. Jacobs Rendell Rosenfeld Ruby Segal, R. Whitney	$420.00	$378.00
Wirken	$410.00	$369.00
Chauncey Wanslee	$400.00	$360.00
Halter Jones, M.	$385.00	$346.50

	Hourly Rates	Discounted Rates (10%)
Blanco Hay Hood Marburger McNichol Pashkowski Schmidt Stratton Tomkins	$375.00	$337.50
Cammack Collins, M. Collins, P. Giel Haws Malm McCarthy Pennartz Robertson, D. Robertson, J. Speer	$355.00	$319.50
McGuire	$345.00	$310.50
MacLennan O'Meara Segal, S.	$340.00	$306.00
Kaucher Murphy Noyes Weigand	$320.00	$288.00
Schmaltz Woodlock	$310.00	$279.00
Frazier Watson	$290.00	$261.00
Savage	$280.00	$252.00
Abad	$260.00	$234.00
Corrales	$250.00	$225.00
Loveland	$240.00	$216.00
Smith	$230.00	$207.00

	Hourly / Discounted Rates	Rates (10%)
Kang McGlothlin Platten	$220.00	$198.00
Nasr	$210.00	$189.00
Harris McIntier Scorza	$200.00	$180.00
Bate, K. Jones II	$185.00	$166.50
Paralegals:		
Municipal Finance	$175.00	$157.50
Bankruptcy	$170.00	$153.00
Municipal Law	$160.00	$144.00
Real Estate	$160.00	$144.00
Litigation	$160.00	$144.00
Commercial	$160.00	$144.00
Law Clerks	$125.00	$112.50

PROPOSAL PRICE BREAKDOWN SHEET

City of Benson
RFP

MUNICIPAL LEGAL SERVICES

The undersigned authorized representative agrees to provide the services as requested based on the following schedule of fees:

A. Retainer (15 hours per month) $3,000.00 per month

B. Hourly billing rate (in excess of 15/month) See attached rates on pages 5-8
These rates represent a 10% discount over our Standard Rates.

Firm/Individual Name	Gust Rosenfeld, P.L.C. One South Church Avenue, Suite 1900 Tucson, Arizona 85701-1627
Business Telephone	(520) 628.7070
Business Fax	(520) 624-3849
Email Addresses:	rfrazier@gustlaw.com mcollins@gustlaw.com
Firm/Individual Name	Gust Rosenfeld, P.L.C. One East Washington Street, Suite 1600 Phoenix, Arizona 85004-2553
Business Telephone	(602) 257.7422
Business Fax	(602) 254-4878
Email Addresses:	tstratton@gustlaw.com

Type of Organization

Gust Rosenfeld P.L.C. is a professional liability corporation.

Proposing both prosecution and civil law

Timothy A. Stratton, Capital Member

August 14, 2013
Date

MUNICIPAL FINANCE FEES AND OTHER COSTS

Fee Structure for Bond Counsel and Bond Election Services

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

1. General Obligation Bonds	Thirty-five thousand dollars ($35,000) plus $0.25 per $1,000 of principal amount of bonds issued for the first $20,000,000, thereafter $0.15 per $1,000 of principal amount of bonds issued.
2. Voter Authorized Water, Sewer or Utility Revenue Bonds	Forty-five thousand dollars ($45,000) plus $0.45 per $1,000 of principal amount of bonds issued for the first $20,000,000; $0.35 per $1,000 of principal amount of bonds issued between $20,000,000 to $70,000,000; $0.25 per $1,000 of principal amount of bonds issued in excess of $70,000,000.
3. MPC or Non-Voter Authorized Pledged Revenue Obligation Bonds (including subordinate water and sewer obligations)	Fifty-five thousand dollars ($55,000) plus $0.50 per $1,000 of principal amount of debt issued for the first $20,000,000; $0.40 per $1,000 of principal amount of debt issued between $20,000,000 to $70,000,000; $0.30 per $1,000 of principal amount of debt issued in excess of $70,000,000.
4. Refunding Bonds (except MPC or Non-Voter Authorized Pledged Revenue Obligation Bonds)	Sixty-five thousand dollars ($65,000) plus $0.60 per $1,000 of principal amount of debt issued for the first $20,000,000; $0.45 per $1,000 of principal amount of debt issued between $20,000,000 to $70,000,000; $0.35 per $1,000 of principal amount of debt issued in excess of $70,000,000.
5. Refunding MPC or Non-Voter Authorized Pledged Revenue Obligation Bonds	Seventy thousand dollars ($70,000) plus $0.75 per $1,000 of principal amount of debt issued for the first $20,000,000; $0.45 per $1,000 of principal amount of debt issued between $20,000,000 to $70,000,000; $0.35 per $1,000 of principal amount of debt issued in excess of $70,000,000.

6. Improvement District Bonds	The greater of: (i) Seventy-five thousand dollars ($75,000) plus $0.50 per $1,000 of principal amount of bonds issued, or (ii) 1% of engineer's total estimated costs and expenses of the construction or acquisition of the work plus the estimated incidental and financing costs. Services requested by the City related to an improvement district that do not result in the issuance of bonds will be billed at the standard hourly rates less fifteen percent (15%).

These bond counsel fees are all based on the present state of both Arizona and federal law, and are subject to change should there be material changes in the law. If any of the foregoing types of bonds or obligations are issued in a manner to qualify for special treatment under any other new federal law, a $10,000 additional charge would be added to the quoted fee.

All services rendered to the City in connection with the ordering of any bond election would be provided for a flat fee of $9,500, plus costs. Such services would also include assistance with the voter informational pamphlet and submission of election procedures to the Justice Department.

The firm would charge its standard hourly rates, as adjusted annually for: 1) any general legal services, including services rendered in connection with a bond financing, in negotiating contracts, development agreements, intergovernmental agreements or litigation; 2) services provided in connection with special City matters not intended to result in the issuance of bonds; and 3) services related to continuing disclosure obligations or IRS exams.

For bond counsel services rendered for any City-formed community facilities district in connection with the issuance of debt, Gust Rosenfeld shall be paid according to the following schedule:

1. CFD General Obligation Bonds	Thirty-five thousand dollars ($35,000) plus $0.35 per $1,000 of principal amount of bonds issued for the first $20,000,000, thereafter $0.25 per $1,000 of principal amount of bonds issued.
2. CFD General Obligation Refunding Bonds	Forty-five thousand dollars ($45,000) plus $0.45 per $1,000 of principal amount of bonds issued for the first $20,000,000, thereafter $0.35 per $1,000 of principal amount of bonds issued.
3. CFD Assessment Bonds	The greater of: (i) Sixty-five thousand dollars ($65,000) plus $0.50 per $1,000 of principal amount of bonds issued, or (ii) 1% of engineer's total estimated costs and expenses of the construction or acquisition of the work plus the estimated incidental and financing costs.

These bond counsel fees are all based on the present state of both Arizona and federal law, and are subject to change should there be material changes in the law. If any of the foregoing types of bonds or obligations are issued in a manner to qualify for special treatment under any other new federal law, a $10,000 additional charge would be added to the quoted fee.

The firm would charge its standard hourly rates, as adjusted annually for: 1) any general legal services, including services rendered in connection with a bond financing, in negotiating contracts, development agreements, intergovernmental agreements or litigation; 2) services provided in connection with special districts or any other matters not intended to result in the issuance of bonds; 3) services related to continuing disclosure obligations or IRS exams; 4) services rendered in connection with reviewing the application for formation of a CFD and for services rendered in connection with the formation of any CFD; and 5) services rendered in connection with calling and conducting any CFD bond election.

The rates shown above shall be good through December 31, 2013 thereafter the firm's current standard hourly rates are subject to annual adjustment based upon market conditions.

Gust Rosenfeld Expense Charges.
In addition to our fees, the City will be responsible for reimbursement of our costs and out-of-pocket expenses not paid directly by the City, including those shown on the following list of expense charges. The firm's standard Expense Charges may be subject to adjustment annually.

CATEGORY	CHARGE
In-House Document Reproduction	$.20 per black and white copy $.60 per color copy
Outside Document Reproduction	Actual cost
Long Distance Telephone	Cost of calls over 5 minutes
Conference Calls	Actual charges
Facsimile (receiving and sending)	$1.00 for 1st page, plus $.10 for each additional page; telephone charges as per Long Distance above
Courier / Air Freight	Actual charges
Computer Legal Research	No Charge
Postage (includes certified mail, express mail, and registered mail)	All costs > $.46
Word Processing	No charge
Miscellaneous Supplies	Actual cost
Court Costs, Witness Fees, Court Reporters, Experts and Other Outside Support Services	Actual charges
Travel	No Charge
Electronic Imaging	$.60 per color image; $.20 per black and white image
CD Production	$15.00 per CD
Bond Transcript Production	$750.00

DETAILED AREAS OF LEGAL EXPERIENCE

Administrative Law - Includes Federal & State Regulatory and Statutory Interpretation, FCC, SEC, OCR, HIPAA, FERPA

Gust Rosenfeld maintains a thriving administrative law practice designed specifically to meet the full range of our clients' legal needs. We have counseled with and advocated for Arizona's municipalities, counties and school districts since Arizona's statehood. Our clients include municipalities, school districts, charter schools, community colleges, a state agency, private businesses and risk retention trusts. In addition, Gust Rosenfeld attorneys are frequently contacted by state legislature personnel, state administrative officials and the Arizona Attorney's General Office in the preparation of legislation.

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

Labor/Collective Bargaining.

- Rights and responsibilities of university employees (including permitted and prohibited political action)
- Civil rights litigation and charges of discrimination or harassment (including desegregation)
- Collective bargaining and labor disputes
- Discrimination
- Employee handbooks
- Employment-at-will
- Equal employment procedures
- Special counsel in administrative hearings

Employee Benefits.

- ERISA
- General employee benefits issues
- HIPAA
- Pensions
- Arizona State Retirement System

Employment Issues.

- Personnel policies
- Americans with Disabilities Act
- Discrimination and harassment
- Drug testing
- Due process hearings
- Fair employment practices
- Internal investigations
- Employee discipline
- Payroll issues
- Wage and hour issues
- Employee privacy
- Employee testing
- Employment contracts
- FMLA
- Non-competition agreements
- Performance Evaluations
- Reductions in workforce
- Substance abuse concerns
- Employee dismissal
- Wrongful discharge

Regulatory Compliance and Hearings.

- Drafting, interpreting, compliance with and enforcement of administrative regulations of all levels of government.
- Defending decisions made by agencies and application of regulations and program requirements, in agency-level review and in administrative appeals.
- Business compliance with entire range of regulatory, permitting, and grant award requirements and procedures.
- Service as hearing officers in conducting administrative hearings, including exactions and land-use challenges.

Representative Engagements.

- Advising and representing state agency in drafting and interpreting requirements for grant awards, responding in-house to issues and challenges on scoring of applications, and in administrative hearings on formal appeal of agency decisions.
- Representation of municipalities and businesses/property owners in compliance and permitting by state water agency.
- Assistance to municipalities on public procurement codes, drafting, updating and application to particular procurements, bid protests, in-house review of protests and bid procedures, representation in litigation challenging procurement decisions and contract awards.
- Represent municipalities on compliance with federal and state environmental laws and regulations and businesses on permitting and in dealing effectively with discharges or hazardous substances or conditions, remediation, consent agreements, disposal, and groundwater contamination monitoring.
- Land-use assistance and representation from code drafting, interpretation and application, public notice and hearing requirements, to service as administrative hearing officer or representative in exactions appeals and other administrative, quasi-judicial and legislative zoning hearings.

Representative Clients.

- City of Avondale
- City of Goodyear
- City of Mesa
- City of Tolleson
- Town of Buckeye

Constitutional Law and Other Civil Rights Claims

Gust Rosenfeld attorneys are experienced in handling matters related to the federal constitution and civil rights issues such as First Amendment and discrimination claims. Our discrimination experience covers housing discrimination, employment discrimination and disability discrimination. We are well-versed in the laws governing civil rights including the ADA, IDEA and Section 504.

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

Civil Rights.

- Civil rights litigation
- Discrimination (including desegregation)
- Harassment
- FMLA
- ADA
- IDEA
- Section 504
- Fair Housing
- Equal Access laws
- Voting rights laws

Open Meeting Laws.

- Executive sessions
- Rules governing emergency meetings
- Exceptions to open meeting laws
- Guidelines relating to e-mail and efficiency/etiquette
- Open meeting law violations
- Public meeting requirements

General Governance.

- Due process
- Public records
- Budgeting and finance laws
- Civil rights claims
- Confidentiality issues
- Free speech
- Conflict of interest questions
- Governing board policies and procedures
- Separation of church and state
- Governmental relations
- Agendas, minutes and Calls to the public Potential discipline of employees
- Privacy laws
- Public officials and elected officials liability
- Social Media

Representative Engagements.

- Represented a school district in a federal court jury trial where a former principal alleged sex discrimination. The jury returned a unanimous defense verdict on all counts.
- Represented school districts in developing and reviewing policies concerning accommodating the religious liberties of employees and the general public.
- Defended school districts in disputes concerning "buy-a-brick" type fundraisers, facilities use, distribution of religious literature, and more.
- Represented a town when a former employee alleged racial discrimination, which required a mandatory arbitration according to the town's rules. The arbitrator ruled in favor of the town on all counts.
- Represented several public entities where our clients were awarded summary judgment in federal court rulings involving discrimination issues such as age, disability, sex, etc.
- Represented various municipalities in defending police officers regarding claims of constitutional violations under 42 U.S.C. § 1983.

Economic Development Law

Our firm's attorneys advise public entities and other businesses on issues related to economic development, including business, development and tax incentives. In this capacity, we assist city/town/county attorneys with incentives, financing issues, project plan preparation, representation at hearings/meetings, and drafting and negotiating development agreements. We also represent clients in areas related to economic development such as master planning activities, public contracting, real estate transactions, environmental issues, and public finance matters when necessary.

General Expertise.

- All forms of economic development incentives
- Public financing alternatives
- Development agreements and other contracts
- Project plan preparation
- Related real estate, environmental and water matters

Representative Engagements.

- Represented multiple cities with development agreements and financing work for Spring Training Facilities.
- Represented a city in completing the financing and incentive work related to a large resort.
- Represented a city in creating economic development agreements related to auto dealerships, hotels, retail outlets, a resort and raceway improvements.
- Represented an airport authority in various development matters.
- Represented issuers in connection with special district financing such as community facilities districts, improvement districts and enhanced municipal services districts.
- Represented various municipalities in industrial development bond financings.

Representative Clients.

- City of Avondale
- City of Goodyear
- City of Mesa
- City of Surprise
- City of Tolleson

Elections, Voting Rights and Litigation

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

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

General Elections.

- Sale of land
- General obligation bonds
- Utility system revenue bonds
- Highway User Revenue Bond
- Tax levy limits
- Approval of general plans
- Initiative and referendum
- Budget overrides

Related Legal Services.

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

Representative Engagements.

- Represented a city in a general obligation bond election in the amount of $241,310,000 (11/4/08); represented same city in past general obligation bond elections in the amounts of $210,500,000 (5/16/06) and $158,000,000 (5/21/02) and a special bond election $47,587,167 (11/6/12)
- Represented a town in a tax levy election in the amount of $4,500,000 (5/20/08).
- Represented a city in a land sale election (11/6/07).
- Represented a town in a general plan amendment election (5/20/08).
- Represented a town in a referendum challenge before the Arizona Superior Court (7/16/08).

Representative Elections & Voting Rights Clients

- City of Mesa
- City of Tempe
- Town of Oro Valley
- City of Goodyear
- City of Chandler
- City of Kingman
- City of Casa Grande
- Town of Buckeye
- Town of Fountain Hills
- City of Avondale

Eminent Domain

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

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

General Expertise.

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

- Pre-condemnation strategies and proceedings.
- Eminent domain litigation avoidance and/or settlement.

Representative Engagements.

- Represented a town in a federal court quick-take condemnation case brought by a utility using the Natural Gas Act as a defense. Court ruled in favor of the town.
- Provided advice to numerous municipal clients regarding pre-condemnation strategies and proceedings and litigation avoidance/settlement.
- Represented a city in 19 condemnation cases (since 2003) related to the Light Rail Transit Project as well as other matters such as street widenings, bus bay development, drainage improvements, and assistance on a water utility condemnation.
- Represented a city and other SROG cities in defending an inverse condemnation action by Dos Rios LLC.
- Represented a city in acquiring two water companies.

Representative Eminent Domain Clients.

- City of Phoenix
- City of Scottsdale
- City of Glendale
- City of Avondale
- City of Chandler
- City of Tempe
- City of Tucson
- City of Prescott
- Maricopa County
- Coconino County

Employment and Labor Law - Includes Personnel, Pension, Benefits Issues and Litigation

Our employment attorneys represent employers in all areas of employment and labor law, defending public entities and businesses against harassment, discrimination and wrongful termination allegations. In addition to traditional labor law and discrimination matters, we also advise clients on matters concerning pensions/benefits, employee testing, and employee privacy. Our attorneys have extensive experience handling the employment needs of many large, public clients, and as a result, have provided counsel on virtually every employment law matter imaginable.

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

When necessary, we represent clients in state and federal court and before agency bodies, providing broad range of litigation, appellate and dispute resolution services. We resolve our clients' problems as quickly, efficiently and cost-effectively as possible. Our experienced attorneys deliver innovative solutions to achieve our clients' goals. We represent clients in jury and non-jury trials, appeals, mediation, arbitration and negotiation and before administrative agencies such as the U.S. Department of Labor and Equal Employment Opportunity Commission.

General Matters.

- Affirmative Action Issues
- Civil Rights Litigation
- Defamation Claims
- Discrimination (Desegregation, Title VII, ADEA and ADA)
- Drug Testing
- Employment Contracts
- Employment-At-Will
- Harassment Claims
- FMLA
- ADA
- IDEA
- Non-Competition Agreements
- Section 504
- Fair Housing
- Equal Access Laws
- Reductions in Workforce
- Voting Rights Laws
- Wage and Hour Issues
- Wrongful Discharge

Employee Benefits.

- COBRA
- ERISA
- General Employee Benefits Issues
- HIPAA
- Pensions
- Workers' Compensation Issues

Representative Engagements.

- Represented many cities and towns on the drafting and adoption of employment policies, including policies related to travel and drug testing.
- Represented many cities and towns related to hiring, terminating, and disciplining employees including police, fire, public works, and all administrative personnel.
- Represented various cities and towns in negotiating severance agreements with city/town managers and other department heads.
- Represented a town in arbitration where a police officer challenged the recommendation that he be terminated from his position. The arbitrator upheld the dismissal.
- Defended a school district in a federal court jury trial where a former principal alleged sex discrimination. The jury returned a unanimous defense verdict on all counts.
- Represented various school districts in numerous lawsuits alleging all types of discrimination claims and charges of wrongful termination.
- Assisted a municipality in establishing a local board for public safety personnel retirement.
- Represented a municipality when a former employee alleged racial discrimination, which required a mandatory arbitration according to the municipality's rules. The arbitrator ruled in favor of the municipality on all counts.
- Represented a school district in a federal court jury trial where a former principal alleged sex discrimination. The jury returned a unanimous defense verdict on all counts.
- Represented several public entities where our clients were awarded summary judgment in federal court rulings involving discrimination issues such as age, disability, sex, etc.

Representative Clients.

- City of Avondale
- City of Tolleson
- Town of Buckeye
- State of Arizona
- Arizona State Compensation Fund
- Abbott Laboratories
- Catholic Social Services
- Arizona School Risk Retention Trust
- RSI Enterprises
- Make-A-Wish Foundation® of America
- Numerous School Districts

Engineering, Architectural and Construction Contracting Issues and Litigation

Our firm has extensive experience in meeting the needs of rapidly growing communities in the construction, road design and redevelopment areas. We advise public clients on all aspects of the public infrastructure process—from the development of procurement documents to the preparation of contracts to resolving disputes during project delivery.

On the litigation front, we handle contract disputes, delay claims, mechanics lien disputes, bonding issues, construction defect allegations and related issues. We also have defended many construction site injury cases for private and public project owners. Our attorneys have relationships with the best industry experts in various disciplines including critical path analysis, construction financing, construction management and sequencing, project design, engineering and safety programming. Although experts are often retained as litigation consultants or to testify in court, we utilize these professionals when necessary at the inception of a dispute before formal litigation begins.

Construction Litigation.

- Litigating design and construction defects
- Representing clients in insurance and other coverage claims
- Litigating and arbitrating construction disputes involving mass torts
- Providing insurance coverage opinions
- Representing clients in federal and state construction litigation claims
- Representing clients in private construction claims

Road Design Litigation.

- Understanding common road design issues such as inadequate lighting, improper traffic signage, signs covered by vegetation, missing median barriers, etc.
- Analyzing related issues including improper road maintenance and dangerous construction issues.
- Defense of roadway design professionals, equipment manufacturers and public entities involved in these cases.

Redevelopment Litigation.

- Defense and enforcement of redevelopment agreements, intergovernmental agreements, development agreements, and other contracts.
- Understanding of related real estate, construction, land use and environmental issues impacting redevelopment projects.

Representative Engagements.

- Represented a city in a major construction contract dispute involving a wastewater treatment improvement project.
- Represented numerous school districts in construction disputes involving delays and bonding issues.
- Represented a rural county in Arizona in a catastrophic railroad accident case where the plaintiff alleged defects in construction and poor road/traffic signs. Obtained a favorable settlement for the county.

- Represented a rural county in Arizona in a personal injury case where a driver sued the county for road design and construction liability. The county was dismissed as a defendant on summary judgment.
- Represented WW Asphalt in a construction defect case involving allegations that a waterline was improperly installed and tested.
- Represented a large commercial retailer in a real estate transaction that involved redevelopment of a "Brownfield" site (a former landfill site in Tempe).
- Represented several municipalities in drafting numerous design-build and construction manager-at-risk contracts.

Representative Clients.

- City of Avondale
- City of Tolleson
- Town of Parker
- Town of Fountain Hills
- Town of Buckeye
- City of Coolidge

Environmental Issues and Litigation

Our attorneys offer years of experience in the evaluation, analysis, management, and litigation of environmental matters. Our clients include counties, cities and towns, landowners, developers, school districts, irrigation districts and business entities that are confronted with the complex and often intimidating array of environmental laws, rules and regulations on the federal, state and local level. We provide advice and representation in connection with issues such as completing environmental due diligence prior to real property acquisition, air and water quality permitting, compliance and enforcement, solid and hazardous waste permitting, compliance and enforcement, underground storage tank compliance and enforcement, and Superfund liability and remediation activities.

General Expertise.

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

Federal, State and Local Regulatory Programs.

- Clean Water Act (including AZPDES)
- Superfund issues (CERCLA, WQARF, etc.; federal and state levels)
- RCRA Solid and Hazardous Waste programs
- Endangered Species Act
- Brownfield Redevelopment
- National Environmental Policy Act (NEPA)
- Pollution Prevention Act
- Maricopa County Air Quality Regulations
- Asbestos Emission Standards
- Clean Air Act

- Toxic Substance Control Act
- Safe Drinking Water Act
- Reclaimed Water
- Aquifer Protection Permits

Due Diligence.

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

Representative Engagements.

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

Representative Environmental Law Clients.

- City of Avondale
- Town of Buckeye
- Town of Fountain Hills
- City of Kingman
- Maricopa County
- City of Tolleson
- Arizona Department of Environmental Quality

General Civil Litigation

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

Litigation Expertise.

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

Representative Engagements.

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

Representative Litigation Experience.

Development Impact Fees.

Homebuilders Assn of Central Arizona v. City of Goodyear – 223 Ariz. 193, 221 P.3d 384 (App.2009) – impact fee challenge

Zoning, Land-Use Decisions Or Conditions.

Doerflein v. City of Avondale – rezoning conditions, exactions, inverse condemnation
Adventure Center LLC v. Lake Havasu City (3 lawsuits) - dispute over approval of use permit, among rival businesses with conflicting claims of ownership or right to occupy premises (on- water use near London Bridge), special action challenging Council's grant of use permit; quiet-title as to channel bottom; and blockage of access way to docks with claims of prescriptive easement, constitutional claims.
Hayenga v. City of Phoenix – conditional use permit
Barker v. City of Phoenix – zoning regulations, non-conforming use, failed condemnation action
Parish Data Systems v. City of Phoenix – zoning interpretation, Board of Adjustment appeal, timeliness, constitutional claims
Jellyfish Too, LLC v. City of Phoenix – special action, challenge to zoning conditions amendment
Electrical District # 2 v. Casa Grande – right of way permits
Schwarz v. City of Glendale – super-majority vote requirement, zoning protest A.R.S. § 9-462.04 – 190 Ariz.508, 950 P.2d 167 (App. 1997)
City of Glendale v. Aldabbagh – non-conforming use, forfeiture, A.R.S. § 9-462.02 – 189 Ariz. 140, 939 P.2d 418 (1997)

Elections, Referendum, Recall.

Sklar v. Town of Fountain Hills – referendum validity – 220 Ariz. 449, 207 P.3d 702 (App. 2008), procedural issues only, no substantive position taken
Koultourides v. Town of Fountain Hills – referendum petitions
Sprankle v. Purcell, Bender – recall petitions
Galassini v. Town of Fountain Hills – declaratory judgment/injunction, requirement to register as a political committee, challenge to validity of campaign finance statutes
Klokkenga v. Behm – referendum petition validity

Taxation.
Scarmardo v. Lake Havasu City – special action, special district formation, assessment validity
CNL Hotels v. Maricopa County – Paradise Valley USD (amicus brief in support of Petition for Review) – application of special property tax rate statute to resort hotel – Court of Appeals opinion at 226 Ariz. 155, 244 P.3d 592 (App. 2010), review granted, decision pending

Annexation.
Tohono O'Odham Nation v City of Glendale – City of Tolleson (amicus brief) – validity of annexation, time limit for challenges, interim status of annexation ordinance – 227 Ariz. 113, 253 P.3d 632 (App. 2011)
Hickmans Egg Ranch Inc. v. City of Glendale – challenge to validity of annexation ordinance, percentage owner petition requirements

Procurement.
Professional Medical Transport v. Mesa, Chandler, Apache Junction Fire District – ambulance procurement challenge, with associated public records lawsuit
Watkins v. Baker – City of Mesa (non-party subpoenas) – challenge to subpoenas for compelled deposition testimony of Mesa mayor
Towing RFPs – representation of City of Mesa in Attorney General's investigation of towing procurements and associated administrative bid protests and re-advertising and contract for towing services
D2 Aero v. Lake Havasu City – challenge of airport FBO procurement and contract

Labor.
Rowton v. City of Chandler (2 lawsuits) – claimed violations of labor MOUs with Police sergeants assn., statewide police union
Ball v. City of Surprise – challenges to city manager and city attorney employment agreement renewals, claimed right of referendum

Municipal Liability.
VIP Constr dba VIP Homes v. City of Phoenix – infrastructure, encroachment, civil plans review and inspection
Dos Rios Materials LLC v. Phoenix, Scottsdale, Tempe, Mesa, Glendale [S.R.O.G.] – inverse condemnation, effluent discharges 91st Ave. WWTP
City of Tolleson v. City of Peoria – municipal litigation over cost responsibilities under WWTP IGA.

Water Law.
Gila River General Stream Adjudication – water adjudication proceedings, Arizona Supreme Court opinions on substantive issues, water claims, administrative and judicial proceedings *In re Validity of CAP Water Subcontracts* – statutory actions to obtain judicial determination of validity of CAP subcontracts and amendments

Eminent Domain, Condemnation.

Real Property.
City of Avondale v. Hummingbird Mfd Communities – regional drainage facilities
City of Douglas v. Mehan – wellsite condemnation and quiet-title action, with counterclaim
City of Kingman v. Hafley – wastewater treatment plant expansion
City of Phoenix v. AFC Enterprises – Light Rail

City of Phoenix v. Camelback Sportsman – Light Rail
City of Phoenix v. Cornerstone at Camelback, LLC – Light Rail, substantial environmental contamination and zoning issues

Utility.
City of Avondale v. Rigby Water Co. – acquisition of water system and intangible assets
City of Phoenix v. Rigby Water Co. – partial acquisition of water system and intangible assets

Municipality As Condemnee.
Transwestern Pipeline v. Town of Buckeye, Community Facilities Districts, Buckeye Pollution Control Corp. (many related condemnations for pipeline easement) – after procedural victory against natural gas utility immediate possession application, Town settled; decision on appeal, 627 F.3d 1268 (9th Cir. 2010).

Employment/Federal and State Civil Rights.
Malone v. Dysart Unified School District No. 89, 2011 WL 2118945 (2011) - Former principal sued alleging breach by contract, violation of due process and other claims.
Hance v. Fountain Hills Unified School District, et al., 2010 WL 2773545 (2010) - Former student sued alleging IDEA violations, civil rights violations and other claims.
Stallings, ex rel. Stallings v. Gilbert Unified School Dist. No. 41, 2009 WL 3165452 (2009) - Severely disabled student brought an IDEA due process hearing to challenge the IEP team's recommended placement.
Davis v. Roosevelt Elementary School Dist. No. 66, 2009 WL 2032029 (2009) – Parent sued district for administrative relief but she failed to exhaust administrative remedies as required under IDEA
Scottsdale Unified School Dist. No. 48 of Maricopa County v. KPNX Broadcasting Co., 191 Ariz. 297, 955 P.2d 534, 1998 WL 122591 (1998) – districts filed action for declaratory judgment regarding whether they were required to disclose teacher's birth dates under the public records law
Hodge v. Mayer Unified School District No. 43 Governing Board, 2007 WL 1112954 (2007) - Principal sued alleging sex discrimination and other civil rights violations.
Addvensky v. Dysart Unified School Dist. No. 89, 2011 WL 1882289 (2011) - Former teacher sued alleging breach of contract, violation of due process and related claims.
Williams ex rel. T.W. v. Yuma School Dist. No. 1, 2010 WL 5421304 (2010) - Father sued challenging the long term suspension his son received and alleging civil rights violation.
Rodriguez v. Casa Grande Elementary School Dist. No. 4, 2010 WL 4629914 (2010) – parents filed claim against district for various claims, including civil rights violations.
Smith ex rel. Smith v. Seligman Unified School Dist. No. 40 of Yavapai County, Ariz., 644 F. Supp.2d 1070, 2009 WL 3270885 (2009) - Mother sued challenging the discipline her daughter received and alleged the district and staff had violated the child's civil rights.
Ernst v. Wheeler Const., Inc., 2009 WL 1513106 (2009) - Heavy equipment operator sued alleging disability discrimination and other civil rights violations.

(Some of the cases listed above were litigated by Gust Rosenfeld lawyers prior to joining the firm.)

Municipal Law

Since the firm was founded over 90 years ago, our attorneys have partnered with Arizona's cities, towns, counties, school districts, community college districts, special districts and similar government entities to provide comprehensive legal services. Of the 90 incorporated cities and towns in Arizona, we currently represent 32 of them in some manner—a testament to our commitment to serving our state's municipal entities.

As a part of providing general municipal counsel, our attorneys help municipal clients effectively navigate the wide spectrum of issues affecting them. As a result of this experience, members of our firm handle virtually every type of legal representation arising from governmental operations. This includes finance, real estate development, contracts, budgets, employment disputes, environmental law, elections, and all forms of litigation. Our firm's attorneys also serve in the role of city/town attorney for several cities and towns, where they provide legal counsel in all aspects of municipal law.

General Expertise.

- Administrative issues
- Aviation
- Bankruptcy matters
- Constitutional issues
- Employment
- Procurement
- Grants and other federal funding programs
- Environmental issues
- Legislative Matters
- Municipal finance
- Planning, zoning and land use
- Public utility law
- Real estate and development law
- Transportation issues
- Water Law

Administrative/Regulatory Expertise.

- Appeals from agency decisions
- Compliance examinations and investigations
- Enforcement actions
- Environmental concerns
- Governmental contracts
- Health and safety
- License suspension and revocation proceedings
- Insurance
- Municipal administrative body advice and representation
- Participation in rulemaking process, including drafting of proposed rules
- Public utilities and energy concerns
- Registration
- Taxation

Public Records Laws.

- Arizona compliance
- Records maintenance
- Records requests
- Exceptions to public record laws

Representative Engagements.

- Served as city/town attorney for several municipalities for more than 10 years
- Provided day-to-day advice to council and staff regarding all aspects of municipal operations.

Representative Clients.

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

Municipal Finance Law and Bond Counsel Services

As a firm, we are probably best known for our national reputation in the area of public finance. For the past 90 years, we have provided municipal finance and bond counsel expertise to Arizona's counties, cities, towns and school districts. Our attorneys are experienced and knowledgeable about the complex tax rules applicable to municipal finance. In fact, our municipal finance team possesses a combined total of more than 85 years' experience in municipal and public finance law, most dealing specifically with Arizona issuers. We currently serve as bond counsel to more than 30 Arizona counties, cities, towns and Arizona Community Colleges.

You can expect full-service bond counsel from our firm. Our services begin well in advance of the election with election planning, strategy and bond committee meetings, and our services continue beyond the closing of the bond issue with advice on expenditure requirements, rebate exceptions and changes in law.

Finance Issue Types

- General Obligation Bonds
- Revenue Bonds
- Improvement Districts
- Community Facilities Districts
- Municipal Property Corporation Issues
- Industrial Development Issues
- Other Tax-Exempt Financing

Bonds and Financing Expertise

- Bond election planning and conduct
- Bond authorization, issuance and sale
- Bond counsel opinions
- Compliance with tax law restrictions
- Lease Purchase Financing
- Tax anticipation notes

Bond Election Planning & Conduct.

- Consultation and full cooperation with the City, the City's financial consultant, the County Elections Department and others, as the situation may require, concerning planning and conducting of the City's bond election.
- Attendance at all meetings of the City Council and staff meetings as necessary, including those meetings ordering the sale of bonds and authorizing and awarding the bonds.

Issuance of Bonds.

- Preparation of all resolutions and legal documents pertaining to the election and issuance, sale and delivery of the bonds, including:
    - Resolutions calling the election, forms of ballots, and election canvass documents
    - Resolutions authorizing the issuance and sale of the bonds
    - The form of the bonds
    - All certificates and other papers necessary in connection with delivery of bonds

- Circulation of documentation in draft form to the responsible parties in advance for comments and redrafting, as necessary.
- Review of portions of any documents, such as offering memorandum or official statement, that relate directly to the bonds and the tax-exempt status of the interest on the bonds (our services exclude the actual preparation of an offering memorandum or official statement, which is the responsibility of the City's financial consultant).

Legal Compliance.

- Submission of any changes in voting procedures to the United States Attorney General under the Voting Rights Act of 1965, as amended.
- Analysis of previous issues of tax-exempt obligations by the City, as may be necessary, to be certain that the new issue is within all applicable restrictions and requirements of federal and state law.

Bond Counsel Opinion.

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

Tax Guidance.

- Provide advice on tax-related matters springing from municipal finance transactions.
- Follow federal tax developments on a daily basis and frequently review federal legislation and legislation which may impact municipal finance transactions.
- Rendering legal advice and assistance in connection with maintaining City compliance with the restrictions set forth in the federal tax code.
- Propose creative solutions to tax challenges.

Closing/Post-Closing.

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

Representative Bond Engagements & Experience.

Our firm's extensive experience in Public Finance Law means that we have more representative bond engagements than we can show in this section.

Below is a brief list of a small portion of the most recent financing issues we've handled for some of our government clients:

- Represented Dysart Unified School District for General Obligation Refunding Bonds, Taxable Series 2013 in the amount of $16,610,000 (May 17, 2013).
- Phoenix Elementary School District for General Obligation Refunding Bonds, Taxable Series 2013A in the amount of $21,760,000 (May 15, 2013).
- Cartwright Elementary School District for School Improvement Bonds, Project of 2010, Series B (2013) in the amount of $8,900,000 (April 10, 2013).
- Paradise Valley Unified School District for School Improvement Bonds, Project of 2011, Taxable Series C (2013) in the amount of $12,150,000 (February 27, 2013).

- Flagstaff Unified School District for School Improvement Bonds, Project of 2012, Series A (2013) in the amount of $10,600,000.
- Continental Elementary School District for School Improvement Bonds, Project of 2010, Series C (2013) in the amount of $4,815,00 (January 1, 2013).
- Represented the Crane Elementary School District for a 2012 Energy Conservation Measures Lease Financing in the amount of $3,245,745 (December 11, 2012).
- Represented the Chandler IDA for a Conversion of Revenue Bonds, Series 2007 (Intel Project) in the amount of $125,000,000 (December 3, 2012).
- Represented the Glendale Union High School District for Taxable Refunding Bonds, Series 2012 in the amount of $50,495,000 (November 16, 2012).
- Represented the Casa Grande Union High School District for a 2012 Energy Conservation Measures Lease Financing in the amount of $2,209,887 (September 25, 2012).
- Represented the Mayer Unified School District for a 2012 Lease Financing in the amount of $6,36,575 (August 28, 2012).
- Represented the Yavapai County Community College District for General Obligation Refunding Bonds, Series 2012 in the amount of $28,450,000 (June 14, 2012).
- Represented the Saddle Mountain Unified School District for Refunding Bonds Series 2012 (Taxable) in the amount of $5,650,000 (May 15, 2012).
- Represented Santa Cruz Valley Union High School District for Refunding Bonds, Series 2012 in the amount of $802,500 (May 14, 2012).
- Represented the Pendergast Elementary School District for a 2012 Tax-Exempt Lease-Purchase in the amount of $2,473,757 (April 20, 2012).
- Represented the City of Goodyear for General Obligations Refunding Bonds, Series 2012 in the amount of $11,530,000 (April 11, 2012).
- Represented the Town of Oro Valley for Excise Tax Revenue Obligations in the amount of $2,580,000 (April 5, 2012).
- Represented the City of Mesa for Street and Highway User Revenue Refunding Bonds in the amount of $36,090,000 (April 4, 2012).
- Represented the City of Mesa for Utility Systems Revenue Refunding Bonds in the amount of $31,580,000 (April 4, 2012).
- Represented the City of Mesa for General Obligation Refunding Bonds in the amount of $31,665,000 (April 4, 2012).
- Represented the Glendale Union High School District for a School Improvement Bonds Project of 2011, Series A (2012) in the amount of $22,440,000 (March 15, 2012).
- Represented the Phoenix-Mesa Gateway Airport Authority for Special Facility Revenue Bonds (Mesa Project) in the amount of $19,220,000 (February 29, 2012).
- Represented the City of Casa Grande for Defeasance Excise Tax Revenue Obligations, Series 1997 in the amount of $1,589,585 (February 27, 2012).

Representative Clients.

Counties:

- Yuma County
- Apache County
- Navajo County
- Coconino County
- Mohave County
- Santa Cruz County
- Yavapai County

Cities:

- City of Chandler
- City of Goodyear
- City of Mesa
- City of Scottsdale
- City of Tempe
- City of Tolleson

Towns:

- Town of Fountain Hills
- Town of Buckeye
- Town of Oro Valley

Open Meeting and Public Records Law

Many of the lawyers in the Public Law practice group represent cities, towns, school district boards, county agencies, and a host of special districts/political subdivisions. Their practice frequently involves providing advice on open meeting law and public records requests. Some of our attorneys devote much more of their practice to these areas of the law, training of clients boards and entities, and to non-client entities on an as-needed basis and public speaking on these topics. One of our partners who devotes much of her practice to this area is Susan Segal. Prior to rejoining our firm she served as a chief member of the Arizona Attorney General's OMLET Team under a former Attorney General offering particularly valuable insights into Open Meeting Law matters.

We also defend municipalities and other agencies in OML challenges and public records actions in the Superior Court, Appellate course and for OML issues in the AG OMLET Team Investigations.

Open Meeting Laws.

- Executive Sessions
- Rules Governing Emergency Meetings
- Exceptions to Open Meeting Laws
- Guidelines relating to E-mail, Executive Sessions and efficiency/etiquette
- Open Meeting Law Violations
- Public Meeting Requirements
- Public Hearings

Representative Engagements.

- Serve as city/town attorney for numerous municipalities providing daily advice regarding public records.
- Advise city/town council regarding proper scope of executive sessions.
- Represent various municipalities in claims filed with OMLET.

Representative Clients.

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

Planning, Zoning and Land Use Issues and Litigation

The legal landscape in Arizona regarding planning, zoning, and land use presents many challenges to municipalities looking to effectively plan for and address sustainable growth. From annexation to final plat approval and beyond, the legal issues for municipalities can be complex, especially when a community is seeking to balance the need for appropriate land-use controls and compatibility with a property owner's right to use his/her property. The legal context in which community planning, zoning and platting decisions are made has been changed due to the approval of Proposition 207 and substantial changes to development impact fee statutes have caused municipalities to plan for and make land-use decisions supporting community sustainability utilizing creative approaches.

Our firm's attorneys are uniquely qualified in this area, having extensive experience advising communities in all aspects of land-use planning, zoning land-use litigation and legislative analysis and lobbying related to development impact fees. Our expertise throughout every phase of development is what allows us to produce what both the City and property owners want at the end of the land-use process: a successful, productive project.

General Expertise.

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

Representative Engagements.

- Represented a town in land-use issues associated with numerous master planned developments.
- Represented several cities and towns in their complete general plan updates (voter approval in May), zoning code updates, specific plan updates, development agreements, annexations, plan amendments and rezonings.
- Represented a city in many land-use issues such as annexations, general plan amendments, zoning text amendments and numerous economic development agreements.
- Represented a town in preparing development agreements for several proposed hotels and the development agreement and annexation process for a 1,200-acre state land parcel.
- Represented a city in resolving many land use matters including commercial rezonings and sign ordinances.
- Represented a town regarding legal non-conforming use issues and other issues raised by transitions between old and new zoning codes.
- Represented a town in preparing and negotiating several development projects, including those involving state land and substantial master-planned communities.
- Represent municipal municipalities in lobbying efforts related to development impact fees.
- Assisted numerous municipalities in implementing new development impact fee legislation.

Representative Planning, Zoning, Land-Use Clients.

- Town of Buckeye
- City of Avondale
- Town of Fountain Hills
- City of Tolleson
- Town of Parker
- Town of Sahuarita

Police Legal Support and Issues

The Gust Rosenfeld public law attorneys provide City Attorney-level representation and advice to our municipal clients, whether it is serving as contract city and/or town attorney for several communities or additional outside counsel on an as-needed basis. In our role as city/town attorney, we are sometimes called upon to provide legal advice and representation to city and town police departments. As with many of our other governmental clients, this support includes labor and personnel issues, public contracts and procurement, and public records law, all with the unique issues that come from dealing with those issues in a law enforcement context. Our public law experience includes use of force, laws of arrest and search warrants, first responder actions, incidents, and timing matters, and other civil rights issues and claims.

Representative Engagements.

- Assisted several municipalities with public contracts, procurement solicitations and entire procurement process through bid protests to contract award and legal challenges.
- Advised cities with police discipline and employment actions and hearings, representing the city and service as hearing officer.
- Represented cities in use of force incidents, investigations and claims.
- Provided defense to cities and a town regarding civil rights claims and challenges to arrests, searches, impoundments and other law enforcement actions.
- Advised cities and towns regarding public records requests for law enforcement reports and investigative materials.

Representative Clients.

- City of Avondale
- Town of Buckeye
- City of Tolleson

Public Utility Law

Our firm's public law attorneys assist municipal clients with public utility law issues. Our expertise includes matters relating to operating municipal utilities, handling large and small utilities operating within or in the vicinity of the municipality, and acquiring privately-owned utilities. The practice of public utility law from a municipal perspective is a unique one; our team of municipal, condemnation, water and environmental attorneys have the knowledge and experience to effectively address any needs the City may encounter in this area of the law.

General Expertise.

- Federal and state laws affecting municipal utility operation
- Federal, county and state agencies and regulations
- Compliance examinations and investigations
- Environmental issues
- State and local jurisdictional matters
- Water and wastewater law, resources and agreements
- Acquisition of public utilities through utility-specific eminent domain

Regulatory Entity Experience.

- U.S. Bureau of Reclamation
- U.S. Environmental Protection Agency
- Army Corps of Engineers
- Equal Employment Opportunity Commission
- Arizona Department of Water Resources
- Arizona Department of Environmental Quality
- Arizona Corporation Commission
- Maricopa County Health Department

Representative Engagements.

- Represented various Arizona municipalities in condemning water utility companies, including small water companies with undeveloped certificated areas as well as larger water companies with thousands of active services and additional un-served territory.
- Advised and assisted numerous municipal clients in utility operations issues and resource matters.
- Represented various municipal clients in public utility cases where the central issue related to valuing the utility's undeveloped areas, a variable that typically accounts for the large spreads in value in water company acquisitions.
- Provided advice and counsel to various municipalities in the potential acquisition of about two dozen water and wastewater system companies.

Representative Public Utility Clients.

- City of Phoenix
- Town of Buckeye
- City of Tolleson
- City of Glendale
- City of Scottsdale
- City of Avondale
- City of Mesa
- City of Tempe
- City of Prescott
- City of Chandler
- City of Tucson

Real Estate Transactions and Litigation

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

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

Real Estate Transactions.

- Acquisitions and Purchase Contracts
- Title Insurance
- Leases and Easements
- Disposal to Private and Public Entities
- Condemnation
- Sales of Government Property
- Cell Tower Agreements
- Development Agreements
- Real Estate Donation Agreements
- Real Estate Environmental Reports
- Archaeological Surveys
- Pesticide Covenants
- Water Rights matters

Representative Engagements.

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

Representative Real Estate Clients.

- Town of Buckeye
- City of Avondale
- Town of Fountain Hills
- City of Tolleson
- City of Kingman
- Town of Sahuarita
- Town of Oro Valley
- Town of Coolidge

Taxation Law and Litigation (including nonprofit and exempt entities)

Our firm represents clients in tax matters before the Arizona Tax Court, the Municipal Tax Hearing Office, the Arizona Department of Revenue and the Internal Revenue Service. Given the complex interplay among the federal, state and local taxing schemes, it is crucial that the Town partner with attorneys with the most advantageous mix of talents and experience.

Our firm advises its clients on a full range of tax issues affecting our clients, including joint operations and other affiliations, unrelated business income, sponsorship relationships, state tax exemptions (income, sales/use and property), executive compensation, charitable contributions and endowment issues, and general tax compliance. Our Tax Practice offers legal advice to college and university administrators, business officers, general counsel, and affiliated entities (foundations, supporting organizations, medical schools, hospitals, and research institutions). The following list details issues we routinely handle and resolve for our clients:

Tax Expertise.

- Affiliated organizations
- Charitable contributions
- College savings plans
- Conflicts of interest
- Corporate Sponsorship Arrangements
- Executive compensation
- General corporate and tax-exempt compliance
- Governance
- Governmental entity issues
- Hospitality suites and seat licenses
- Independent contractor relationships
- Legislative proposals and fundraising Research funding
- Scholarships and fellowships
- State and local tax
- Tuition and student incentives
- Unrelated business income tax (UBIT)
- Working knowledge of the Model City Tax Code
- Specialized training in state and local tax issues
- Expertise in retirement and benefit plans

Representative Engagements.

- Represented higher education client with respect to tax issues involving corporate sponsorship of buildings and programs.
- Assisted in preparation of form 990's for not for profit organizations.
- Represented many municipal clients regarding the application of the municipality's tax code to specific transactions.
- Currently representing a municipality before the Municipal Tax Hearing Office in defending the imposition of the municipality's transaction privilege tax on construction contractors.
- Currently defending a municipal client in the Tax Court against a refund claim for Government Property Lease Excise Taxes assessed under Arizona Revised Statutes § 42-6210.

- Represented various municipal clients in negotiating and resolving tax matters before the Internal Revenue Service and the Arizona Department of Revenue.
- Represented various municipalities and education-related clients in implementing retirement and benefit plans.
- Represented a city in forming a non-profit organization for educational scholarships and a non-profit organization focusing on environmental sustainability and education.
- Represented public schools in forming a non-profit organization for improving education.

Transit/Transportation Issues

In addition to providing general finance and bond counsel services for our municipal clients, our firm's attorneys play a significant role in negotiating and drafting complex agreements related to many aspects of transportation projects including the financing of transportation infrastructure programs. We help cities, towns, counties and special districts secure financing through general obligation bonds, highway user revenue bonds, improvement district bonds, and community facilities district bonds. Our firm also has extensive experience interfacing with the Arizona Department of Transportation (ADOT) on various issues, including highway advancement funding.

General Expertise.

- Transportation infrastructure financing
- General obligation bonds
- Improvement districts
- Highway advancement agreements and financing
- ADOT-related issues
- Eminent domain for transportation projects

Representative Engagements.

- Represented a city in financing the off-ramps, de-acceleration lanes and overpass on the U.S. 60 freeway through an improvement district bond issue secured by special assessments on a large retail mall.
- Represented a city in condemning 18 properties to be used in the construction of the city's light rail system.
- Represented a county in issuing variable rate Highway Advancement Obligations to advance $25 million to ADOT for highway construction.
- Represented several cities in accelerating the construction of Arizona freeways.
- Represented many cities in securing advancement agreements with ADOT.
- Represented a city in drafting legislation to help advance freeway financing.
- Represented a city with highway take-over agreement with ADOT.

Representative Transportation Law Clients.

- City of Phoenix
- City of Tempe
- Yavapai County
- City of Sedona
- City of Mesa

Tort Liability and/or Insurance Coverage

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

Areas of Expertise

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

General Expertise

- Initial case assessment
- Budgeting
- Development of litigation strategy
- Client contact/management
- Expert witnesses
- Deposition in-take and defense

- All court appearances, including jury and bench trials, settlement negotiations, mediations and arbitrations
- Pleadings, motions, discovery requests and responses and all trial-related documents

Water Law

Our firm has extensive experience in water law. We represent municipalities, irrigation and water improvement districts and landowners on a wide variety of Arizona water issues, including master planning, intergovernmental agreements to maximize facilities, operations and cost efficiency, coordinated operating agreements between service providers, resource dedication programs, pollution and discharge credit exchanges, plant investment and service fee structuring and much more.

Expertise.

- Regulatory compliance counseling in the water resource area
- Documenting, acquiring, and transferring groundwater rights in Arizona
- Negotiating and resolving noncompliance matters before the Arizona Department of Water Resources (ADWR)
- Representing clients in enforcement actions by ADWR
- Serving as special water counsel to municipalities
- Developing strategic water resource plans
- Counseling in connection with water and land development matters
- Negotiating and drafting of transactional documents, including development agreements
- Drafting proposed water quality and resource legislation
- Participating in the rulemaking process on water-related matters

Representative Engagements.

- Preparation of development agreements on behalf of municipalities
- Preparation of water infrastructure reimbursement agreements on behalf of municipalities
- Represented landowner in connection with acquiring water rights
- Serve as special water counsel to municipalities and water improvement districts

ALAS

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

January 04, 2013

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

To Whom It May Concern:

CONFIRMATION OF INSURANCE

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

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

The Policy effective date is from January 1, 2013 to January 1, 2014.

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

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

By: Nancy Montroy

Date: January 04, 2013

Nancy J. Montroy
Vice President – Director of Underwriting

311 South Wacker Drive, Suite 5700
Chicago, IL 60606-6622

tel 312-697-6900 fax 312 697-6901 www.alas.com

FIRM OVERVIEW

GUST ROSENFELD

GUST ROSENFELD PLC
ATTORNEYS AT LAW SINCE 1921

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SUITE 1600
PHOENIX, AZ 85004-2553
TELEPHONE 602.257.7422
FACSIMILE 602.254.4878

ONE SOUTH CHURCH AVE.
SUITE 1900
TUCSON, AZ 85701-1627
TELEPHONE 520.628.7070
FACSIMILE 520.624.3849

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GUST ROSENFELD FIRM OVERVIEW

Founded in 1921, Gust Rosenfeld has more than 60 attorneys providing legal counsel to individuals, public and private corporations and units of local government. We are a full-service regional law firm. Our attorneys practice in the following areas:

BANKRUPTCY/ CREDITORS' RIGHTS

Gust Rosenfeld's bankruptcy and creditors' rights attorneys represent local, regional and national financial institutions, businesses and individual creditors. We assist clients in acquisition of assets from bankruptcy estates, reorganizations and liquidations of business entities, and the structuring and documentation of non-judicial workouts between creditors and debtors, as well as commercial litigation arising out of bankruptcy-related matters. Our services extend to obtaining injunctions and provisional remedies, including replevin, garnishment, attachments, conducting judicial and non-judicial foreclosures of mortgages, deeds of trust and security agreements.

BANKING/ FINANCE

Members of our banking/finance practice represent borrowers and lenders in all areas of banking and commercial finance, including preparation and negotiation of loan and credit agreements, collateral security documentation, debt instruments, bank participation agreements and other types of financing arrangements. As a result of our strong commercial real estate practice, we have gained significant experience in the area of commercial real estate lending and asset-based financing. The practice encompasses banking operations, loan and security documentation, federal and state regulatory compliance, consumer lending, and truth-in-lending and usury issues. Lending institutions rely on Gust Rosenfeld for advice on matters relating to bank holding companies, licensing and other regulatory matters.

BUSINESS LAW

The firm's corporate attorneys advise individuals, small and large companies, nonprofit organizations, broadcasting and publishing companies, real estate concerns, and venture capital organizations in connection with mergers, acquisitions and general business planning. We routinely negotiate and draft purchase contracts and leases, shareholder and partnership agreements, employment agreements and executive compensation packages. Our attorneys also counsel clients with respect to entity formation, reorganization and liquidation of partnerships, corporations and limited liability companies while also ensuring our clients comply with required meeting and reporting requirements.

Education Law

Gust Rosenfeld maintains a thriving Education Law practice, representing public schools in the full range of business and legal matters. Our attorneys have counseled with and advocated for Arizona's school districts for over 85 years. Clients include school districts and charter schools, as well as community colleges. We take an active role in school district legal issues. Members of the legislature, state administrative officials and the Arizona Attorney General's office contact our attorneys when preparing school district legislation, forming school district policies and rendering opinions affecting school district operations.

Employment/ Labor

Our attorneys represent employers in all areas of employment law, counseling clients on sexual harassment, employment-at-will, wrongful discharge, employment contracts, non-competition agreements, and employee handbooks, pensions, employee testing and employee privacy. Our goal is to resolve difficult situations quickly, but when more formal advocacy is needed, we represent clients in federal and state court, courts of appeal, before government boards, the EEOC, OSHA, the Department of Labor, the Attorney General's office and in many alternative dispute resolution arenas.

Environmental

In the environmental area, our attorneys advise clients on a variety of statutes and regulations affecting development of public and private lands. Clients rely on our guidance with regard to environmental issues arising under a variety of state and federal regulatory programs, including the Clean Water Act, Clean Air Act, Superfund, RCRA Solid and Hazardous Waste programs, and the Endangered Species Act. We also provide counsel on the certification, protection and transfer of water rights, air quality permitting issues, NEPA compliance, underground storage tanks, soil and groundwater contamination, and archaeological issues.

Franchising

Gust Rosenfeld franchising lawyers are thoroughly familiar with all aspects of franchising, distributorships and business opportunities, including the creation of systems and agreements, licensing issues, trademark questions and registrations, franchise disclosure documentation, compliance with state and federal law, analysis of antitrust situations, creation and interpretation of confidentiality and non-competition agreements, formation of corporations and other business entities, leases, real estate, commercial and financing transactions, enforcement of system standards, and general problems within franchise systems. The firm represents both franchisors and franchisees and can identify problems and create workable solutions based on our experience representing both. The firm has several lawyers in its litigation practice who specialize in handling disputes between franchisors and franchisees and other matters in which either may be involved. The franchise litigation lawyers also advise our franchising clients about methods to avoid disputes and minimize damages.

HEALTHCARE

Gust Rosenfeld's health care law practice provides comprehensive business and legal defense services to health care institutions and caregivers. Our lawyers are leaders in the field of medical litigation, including vulnerable adult abuse litigation, having represented health care providers for more than 20 years in a variety of business, civil, and administrative matters. We teach seminars on substantive law, defense strategy, and litigation tactics throughout Arizona. In addition, we have extensive experience representing hospitals and other health care entities in business issues, including licensing, employment matters, formation, and much more. This allows us to provide integrated advice to help protect your practice. Our clients include hospitals, assisted living centers, outpatient surgery centers, rural clinics, and many others.

INSURANCE INDUSTRY

Throughout our history, our attorneys have represented insurance carriers and their insureds in a full range of coverage issues, including general insurance defense, premises liability, construction liability, automobile liability and title insurance. Our practice extends to assisting insurance company clients with internal, legal matters and relationships with various insurance regulatory agencies. Given our extensive experience in this highly regulated industry, we have also developed a wealth of knowledge in forming and qualifying insurance companies in Arizona.

INTELLECTUAL PROPERTY

As technology transforms the face of business, our practice has evolved to meet our clients' needs. Clients seek our advice on copyright, trademark, trade secrets, technology, and trade dress issues, including licensing and distribution agreements and their antitrust implications. Our attorneys have gained extensive experience in the areas of copyright, character, idea and other creative and literary property rights, commercial endorsement, privacy and libel. Representative clients include semiconductor manufacturers, small local startups, software developers, hardware manufacturers, VARs and OEMs as well as publishers, broadcasters and other media and art clients.

LITIGATION/ DISPUTE RESOLUTION

Gust Rosenfeld provides a full range of litigation and dispute resolution services, including jury and non-jury trials, appeals and negotiations, with an emphasis on reaching our clients' goals. At Gust Rosenfeld, we view litigation as a client's business problem to be resolved as quickly and efficiently as possible. Lawyers of the firm's Litigation/Dispute Resolution Practice have extensive experience in all areas of mediation, arbitration and litigation, including employment, products liability, construction liability, bankruptcy/creditors' rights, copyright and trademark infringement, professional liability, aviation litigation, contract disputes, tax disputes and defense of personal injury claims. Firm members are active in state and federal courts in Arizona and in appellate and special courts wherever located.

Municipal Government

Since the firm's inception, our attorneys have partnered with Arizona's cities, counties, school districts, community college districts, special districts and similar government entities. Members of the firm handle virtually every type of legal representation arising from governmental operations in the areas of finance, administrative issues, real estate development and acquisition or disposal, contracts, leases, budgets, employment disputes, environmental law, elections, and all forms of litigation. Our members serve as city attorney for several cities, providing legal counsel in all aspects of municipal law.

Product Liability

Our product liability attorneys have spent their careers managing, resolving and trying clients' product liability matters. Our experience in this area includes the defense of manufacturers and owners of heavy equipment, large trucks, automobiles, motorcycles, materials used in construction and manufacturing. Over the years, we have developed extensive experience representing clients in the aviation industry including airlines, aircraft and engine manufacturers, component suppliers, and insurers. Our attorneys serve as outside counsel for a variety of businesses and organizations. In this role, we work closely with clients to develop and implement programs to reduce legal exposure, plan for and address legal issues as they arise, oversee litigation and devise innovative solutions that balance business considerations with legal risks.

Public Finance

One of the hallmarks of Gust Rosenfeld's practice is our national reputation as a leading public finance firm. Over the years, we have accumulated extensive experience in tax-exempt public financing, including general obligation, revenue and special assessment bonds, municipal property corporations, hospital financing, housing bonds, school bonds and other public financing techniques. As the recognized law firm in the area of school finance, our attorneys serve as bond counsel for the vast majority of Arizona school districts in Class A, Class B and refunding bond transactions. Our municipal finance team possesses a combined total of over 90 years' experience in municipal and public finance law, most dealing specifically with Arizona issuers.

Real Estate

Our attorneys counsel clients in their real estate dealings across the country in matters including acquisition and development, eminent domain, property management, land use, entitlements, environmental issues and construction law. As the real estate market changes, we are also called upon to provide assistance with the disposition of clients' properties, including leasing or selling unused space. Our experience includes complex, multi-million dollar real estate transactions, acquisitions and dispositions, sale-leasebacks, dual-beneficiary trusts, title review, conveyances and easements, property leases, joint ventures and other forms of ownership, as well as ground leases, involving office parks and shopping centers. Clients turn to Gust Rosenfeld for advice on a range of commercial zoning and entitlement

services, including variances, permits and rezoning property as small as one-half acre to as large as 50+ acres.

Title Insurance

Our title insurance attorneys advise and represent title insurance companies and their insureds, escrow companies and escrow agents, banks and other lenders, real estate developers, real estate brokers, and similar clients. We currently represent all of the major title companies in Arizona, handling an aggressive caseload of title and escrow claims and other real estate litigation matters. Over the years, we also have provided legal services to many of the state's title insurance agencies. Two of our attorneys are certified as real estate specialists by the Arizona Board of Legal Specialization.

Tax

Our tax attorneys play an integral role in our clients' personal and business taxation issues whether federal, state or local. Clients seek our attorneys' advice in matters including the tax consequences of buying and selling properties and businesses, structuring the division of marital property, deferred compensation, tax litigation, tax installment agreements, retirement and other benefit plans, including compliance with plan qualification procedures and reporting requirements. We have developed a particularly strong practice advising charitable organizations in obtaining exemptions.

Trusts/Estates

Utilizing lifetime and testamentary trusts, gifting programs, family partnerships, annuities and other estate planning techniques, our estate planning attorneys assist clients in achieving their goals while helping to minimize income, gift, and estate taxes. Clients rely on us to coordinate the various business, insurance and estate planning alternatives to achieve the transfer of wealth and realize maximum tax savings. Our practice extends to advising clients on guardianships and conservatorships, premarital agreements, probate, trust and estate administration, including the preparation and filing of federal and state estate tax and fiduciary income tax returns.

Ultimately, we believe that the best evidence of our capabilities flows from our existing clients and the results we have been able to achieve with them. We are happy to provide you with client references should you desire a first-hand evaluation of our work.

Roger W. Frazier
rfrazier@gustlaw.com
520.388.4786

Practice Areas
Civil Litigation/Appeals
Insurance Coverage and Defense
Municipal Government

Roger Frazier concentrates his practice on employment law, civil litigation and municipal government. Roger's expertise in employment law includes hiring and termination of employees, employment contracts, non-compete agreements, FMLA and leaves of absence, disability accommodation, discrimination claims, wrongful discharge, public employment and due process hearings.

He represents municipal government clients in areas including open meeting law, employment, elections, contracts and procurement, zoning and other property matters, application of codes and ordinances, and council resolutions.

Roger's litigation practice includes trials and appeals in civil rights litigation, police liability, personal injury, insurance coverage and defense. He is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

Roger Frazier served in the United States Air Force from 1970-1974.

Education
- University of California, Los Angeles (B.A., 1977)
- University of Arizona College of Law (J.D., *magna cum laude*, 1988)

Admissions
- Arizona (1988)
- U.S. District Courts, District of Arizona (1988)
- U.S. Court of Appeals, Ninth Circuit (2001)
- U.S. Supreme Court (2010)

Professional Associations
- State Bar of Arizona
- American Bar Association (member, Litigation, and Tort Trial and Insurance Practice Sections)
- Pima County Bar Association
- Tucson Defense Bar
- Arizona Association of Defense Counsel

Community Involvement
- Mobile Meals of Tucson, Inc. (member, Board of Directors; secretary and former vice president)

Peter Collins, Jr.

pcollins@gustlaw.com
520.628.7073

Practice Areas

Personal Injury
Medical Malpractice
Aviation Litigation
Environmental
Insurance Coverage
Litigation

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

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

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

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

Education

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

Admissions

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

Professional Associations

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

Presentations and Publications

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

Community Involvement

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

Laura Sever Blanco

lsblanco@gustlaw.com
602.257.7662

Practice Areas

Real Estate
Commercial Finance
Business and Corporate Law

Laura Sever Blanco concentrates her practice on real estate transactional law and general corporate law. Laura's experience includes a wide range of real estate transactions including commercial, retail and residential acquisitions, financing, development, leasing and regulatory issues. Her corporate law expertise includes business formation, commercial transactions, lending and capital formation.

Laura has represented lenders and borrowers in complex loan transactions, national retailers, national and local home builders and federal regulatory agencies. Her commercial finance experience includes negotiating senior and subordinated loan documents, loan modifications and workouts, land bank financing, large commercial project refinancing and mezzanine financing.

Before joining Gust Rosenfeld, Laura was general counsel for a local homebuilder. Laura has served as in-house counsel for a real estate developer and one of the largest outdoor advertising companies in the world.

Education

- Iowa State University (B.A., Political Science, 1979)
- Valparaiso University School of Law (J.D., 1986; Editor-in-Chief, *Valparaiso University Law Review*)

Admissions

- Arizona (1986)
- U.S. District Court, District of Arizona (1986)

Professional Associations

- State Bar of Arizona (member, Real Property, Business Law and Probate Sections)
- Pima County Bar Association
- Maricopa County Bar Association (member, Real Estate Section)
- American Bar Association

Community Involvement

- Member, Salvation Army Phoenix Advisory Board

Mark L. Collins
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520.388.4780

Practice Areas
Commercial Litigation
Real Estate
Business Law

Mark Collins brings more than 30 years of experience in complex commercial litigation as well as real estate and business transactions. Mark represents clients in state and federal courts and in alternative dispute resolution proceedings. His clients include construction contractors, developers, title insurance companies, agricultural growers and distributors, and other major U.S. companies.

Mark is listed in the Real Estate Law category of *The Best Lawyers in America®* and is AV® Preeminent™ rated by Martindale Hubbell®, representing the highest rating in legal ability and ethical standards.

Education
- University of California, Berkeley (B.A., 1971)
- University of Arizona College of Law (J.D., 1974; Associate Editor, *Arizona Law Review*, 1973-1974)

Admissions
- Arizona (1974)
- U.S. District Court for the District of Arizona
- U.S. Court of Appeals, Ninth Circuit

Professional Associations
- State Bar of Arizona
- American Bar Association (Litigation Section, Real Estate Section, Business Law Section)
- Pima County Bar Association

Representative Matters
- *United States ex. rel. Henderson v. Nucon,* 49 F.3d 1421 (9th Cir. 1995)
- *L. Harvey Concrete, Inc. v. Agro Construction & Supply Company,* 189 Ariz. 178, 939 P.2d 811 (Div.1, 1997)
- *Arizona Feeds v. A&R Agro, Inc.,* 136 Ariz. 420, 666 P.2d 520 (Ariz. App. 1983)
- *Sloan v. Sloane,* 132 Ariz. 414, 646 P.2d 299 (Ariz. App. 1982)

Jody A. Corrales
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520.388.4789

Practice Areas
Bankruptcy
Creditors' Rights
Civil Litigation

Jody Corrales focuses her practice on bankruptcy and creditors' rights, as well as general civil litigation. Jody is licensed to practice in federal and state courts. She has extensive experience in bankruptcy law, including representation of creditors and debtors in all facets of bankruptcy litigation.

Jody devotes considerable time to pro bono endeavors, frequently assisting self-represented litigants in bankruptcy court and federal district court. She is an original member of the Arizona Bankruptcy American Inn of Court.

Before joining Gust Rosenfeld, Jody worked for the nation's largest consumer bankruptcy firm and was the managing attorney for all of that firm's Arizona offices.

Jody is recognized in the Bankruptcy and Creditor-Debtor Rights Law category of the 2013 *Southwest Rising Stars®* list by *Super Lawyers®*.

Education
- University of Arizona (B.A., *cum laude*, Political Science and Psychology, 2002)
- University of Arizona College of Law (J.D., 2006; Business Editor, *Arizona Journal of International and Comparative Law*)

Admissions
- Arizona (2006)
- U.S. District Court, District of Arizona (2008)

Professional Associations
- Arizona Bankruptcy American Inn of Court (Associate, 2011-present)
- Arizona Women Lawyers Association (Member)
- Hispanic National Bar Association (Member)
- Federal Bar Association – Tucson Chapter (Member)
- State Bar of Arizona Young Lawyer's Division (District 3 Representative, 2009-2011)
- Pima County Bar Association Young Lawyer's Division (Board of Directors, 2007-2011; Secretary, 2009-2010; Treasurer, 2010-2011)

James W. Kaucher
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520.388.4792

Practice Areas
Litigation
Hospital Law
Health Care Law
Medical Malpractice Defense
Employment

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

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

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

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

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

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

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

Presentations and Publications (cont.)

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

Community Involvement

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

Thomas M. Murphy
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520.205.4759

Practice Areas
Business and Corporate Law
Healthcare Law
Nonprofit Organizations Law

Thomas Murphy practices general corporate and commercial law with an emphasis on healthcare law for both physicians and hospitals. He works with healthcare clients on a wide range of matters including formation, contract issues with other providers and insurance companies, regulatory issues, and general business transactions. During his career, Tom has played important roles in forming various joint ventures between physicians and among physicians and hospitals. He has expertise in Stark laws and regulations, Anti-kickback regulations, Fraud & Abuse provisions, HIPAA, EMTALA and PPACA.

In addition to healthcare law, Tom has expertise in nonprofit corporation law. For nonprofit clients, he has assisted with formation of nonprofit entities, drafting vendor contracts, defining relationships among owners, and much more. He also advises these clients regarding governance issues and organizational compliance with Internal Revenue Service regulations.

Prior to joining Gust Rosenfeld, Tom served as General Counsel for Carondelet Health Network, the oldest and largest nonprofit healthcare provider in Southern Arizona. He was instrumental in helping grow that business to four hospitals, one primary care physician group, a healthcare foundation, and various other facilities. Before that, he spent 22 years at a local Tucson firm, where he practiced healthcare law, business law and transactions, and nonprofit corporation law.

Education
- Loyola Marymount University of Los Angeles (B.A., 1969)
- University of Arizona College of Law (J.D., December 1972)

Admissions
- Arizona (1973)
- U.S. Court of Appeal, Seventh and Ninth Circuits

Professional Associations
- State Bar of Arizona
- Pima County Bar Association
- American Academy of Hospital Attorneys (1974-1997)
- American Health Lawyers Association (1975-present)
- National Association of Diocesan Attorneys (1974-2004)

Community Involvement
- The Arizona Aerospace Foundation (Board of Trustees, 2013 - present)
- DM-50 (Davis-Monthan Air Force Base) (member, 2001-present; Board of Directors, 2006-present; Vice President, 2008-2009; President, 2010-2012)

Community Involvement (cont.)

- 355th Fighter Wing Community Wingman
- St. Mary's Centurions (member, 1980-present; Board of Directors, 1985-1995)
- Tucson Fiesta Bowl Committee (member, 1992-present; Basketball Chairman, 1994; Chairman, 1997-1999)
- Tostitos Fiesta Bowl (member, Board of Directors, 1998-2003)
- Patronato San Xavier (member, Board 2001-2007)
- Diocese of Tucson Foundation (member, Board of Directors, 1987-1993)
- Sisters of St. Joseph of Carondelet Retirement Fundraising Committee (Co-Chair, 1996-1998)

Gerard R. O'Meara
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520.388.4787

Practice Areas
Civil Litigation
Insurance Defense Law
Real Estate
Corporate Transactions
Commercial Transactions
Trusts and Estates
Probate

Gerard R. O'Meara practices in the areas of civil litigation, insurance defense law, real estate, corporate and commercial transactions, probates, wills and trusts. He has been the sole legal representative of several local credit unions in all their commercial matters (collections, foreclosures, personnel and employment law issues). He also has represented Bank of America, EquiCredit and NationsCredit in the bankruptcy courts throughout Arizona.

Gerry is the attorney for the Diocese of Tucson, handling all diocesan corporate, personnel, and real property matters. Prior to joining the firm, he served in the Pima County Attorney's Office for two years. He has also practiced law on the civil side. Gerry is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

Education
- University of Notre Dame (A.B., 1966)
- University of Arizona College of Law (J.D., 1969)

Admissions
- Arizona (1969)
- U.S. District Court, District of Arizona (1969)
- U.S. Court of Appeals, Ninth Circuit (1987)
- U.S. Supreme Court (1999)

Professional Associations
- State Bar of Arizona (member, Business Law Section; Probate and Trust Section)
- Pima County Bar Association
- American Bar Association (member, Litigation and Tort Section; Trial and Insurance Practice Section)
- Defense Research Institute
- Arizona Association of Defense Counsel
- Tucson Defense Bar
- Pima County Legal Aid Society, Volunteer Lawyers Program (pro bono counsel)

Presentations and Publications
- Continuing Legal Education Lecturer: Probate, wills and trusts; legal malpractice; legal ethics

Community Involvement
- Diocese of Tucson (marriage tribunal advocate)
- Saint Frances Cabrini Parish in Tucson (cantor)

Community Involvement (cont.)

- National Diocesan Attorneys Association
- Mobile Meals of Tucson, Inc. (former board member)
- United States Air Force and Arizona Air National Guard (1970-1977)
- Casa de Los Niños (board member, former president)
- Casa de Los Niños Foundation (trustee, former president)

Robert M. Savage
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520.388.4785

Practice Areas
Real Estate
Commercial Litigation

Robert M. Savage focuses his practice on real estate and commercial litigation for businesses and individuals. He advises clients on various matters, including real estate title disputes, land use and development issues, contract disputes, and contractor liability.

Robert has represented clients in state and federal courts and before administrative agencies. He has also taught seminars on real estate litigation and easement law.

Education
- Portland State University (Bachelor of Science History, 1997)
- University of Arizona College of Law (J.D., 2000; Public Relations Editor, *Arizona Journal of International and Comparative Law*)
- Judicial Clerkship, Arizona Court of Appeals, Honorable John Pelander and Honorable Joseph Howard.

Admissions
- Arizona (2001)
- U.S. District Court, District of Arizona (2001)

Professional Associations
- State Bar of Arizona
- American Bar Association
- Pima County Bar Association
- Tucson Defense Bar

Representative Matters
- *BAC Home Loan Services, L.P. v. Semper Investments, LLC.,* 230 Ariz. 587, 277 P.3d 784 (App. 2012)
- *KAZ Construction, Inc. v. Newport Equity Partners,* 229 Ariz. 303, 275 P.3d 602 (App. 2011)

Michael S. Woodlock
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520.388.4782

Practice Areas
Construction Law
Litigation
Insurance Law
Real Estate

Michael Woodlock concentrates his practice in general civil litigation, including construction, insurance law, real estate, and tort/personal injury. Before joining Gust Rosenfeld, Woodlock practiced in San Diego, California, representing businesses and individuals in construction defect, insurance, professional liability, real estate and general business litigation matters. He maintains his license in California and continues to represent clients in matters there, as well as in Arizona.

Mike currently serves as an officer on the Executive Council of the State Bar of Arizona's Construction Law Section.

Education
- University of California, San Diego (B.A., Economics, Psychology, 1983)
- University of San Diego School of Law (J.D., *cum laude*, 1986)

Admissions
- Arizona (1999)
- California (1986)
- U.S. District Courts: Southern and Central Districts, California (1987), Arizona (2000)
- U.S. Court of Appeals, Ninth Circuit (1987)

Professional Associations
- State Bar of Arizona (Executive Council, Construction Law Section, 2008-present)
- Pima County Bar Association
- Arizona Association of Defense Counsel
- State Bar of California
- San Diego County Bar Association (1986-2000)

Community Involvement
- Southern Arizona Home Builders Association (associate member, 2005-2006)
- Autism Society of Arizona, Pima County Chapter, (Professional Advisory Committee, 2003-2004)

Timothy A. Stratton
tstratton@gustlaw.com
602.257.7465

Practice Areas
Public Finance
Municipal Law
Tax
Education Law

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

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

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

Admissions
- Illinois (1999)
- Arizona (2010)

Professional Associations
- State Bar of Arizona
- Maricopa County Bar Association
- Government Finance Officers Association of Arizona
- National Association of Bond Lawyers (Committee on Securities Law)
- State Bar of Illinois (Section Council on Local Government Law)
- Illinois Government Finance Officers Association
- National Association of College and University Business Officials

Representative Transactions
- $151,090,000 General Obligation Bonds (2013), Maricopa County Community College District, Maricopa County, Arizona
- $34,495,000 Variable Rate Revenue Bonds (Arizona State University Foundation – Brickyard Project) Series 2004; Letter of Credit Extension (2012)
- $69,135,000 General Obligation Bonds (2012), Maricopa County Community College District, Maricopa County, Arizona
- $28,450,000 General Obligation Refunding Bonds (2012), Yavapai County Community College District, Yavapai County, Arizona

Representative Transactions (cont.)

- $7,005,000 General Obligation Bonds, Series 2012A and $12,765,000, General Obligation Refunding Bonds, Series 2012B, City of Tempe, Arizona
- $58,975,000 Pinal County Community College District (Central Arizona College) of Pinal County, Arizona General Obligation Bonds Project of 2008, Series B (2012)
- $120,235,000 Electric System Revenue Refunding Bonds, Series 2011, Electrical District No. 3, Pinal County, Arizona
- Remarketing (2011) of $60,000,000 Refunding and Capital Improvement Electric System Revenue Bonds, 2006 Series A and $25,590,000 Refunding and Capital Improvement Electric System Revenue Bonds, 2006 Series B, Electrical District No. 3, Pinal County, Arizona
- $150,000,000 General Obligation Bonds (2011), Maricopa County Community College District, Maricopa County, Arizona
- $17,910,000 Performing Arts Center Excise Tax Revenue Refunding Obligations (2011), City of Tempe, Arizona
- $31,825,000 Tax Exempt 2011A Excise Tax Revenue Obligations, City of Tempe, Arizona
- $14,000,000 Pledged Revenue Obligations (2011), Yavapai County Community College District, Yavapai County, Arizona
- $7,300,000 Excise Tax Revenue Obligations, Qualified Energy Conservation Bonds (2011), City of Tempe, Arizona
- $43,115,000 Excise Tax Revenue Refunding Bonds (2011), City of Scottsdale, Arizona
- $22,525,000 General Obligation Bonds, Preserve Acquisition Project of 2004 (2011), City of Scottsdale, Arizona

Community Involvement

- City of Scottsdale Board of Adjustment (member and former Chairman)

RAUL ABAD
rabad@gustlaw.com
602.257.7452

PRACTICE AREA
Real Estate
Creditors' Rights

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

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

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

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

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

ADMISSIONS
- Colorado (2006)
- Arizona (2003)
- Illinois (2002)

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

Robert D. Haws
rhaws@gustlaw.com
602.257.7976

Practice Areas
Labor and Employment
Education Law

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

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

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

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

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

Representative Matters
- Represented a rural school district in a federal court jury trial where a former principal alleged sex discrimination. The jury returned a unanimous defense verdict on all counts.
- Obtained summary judgment for a large construction company in a lawsuit filed by a heavy equipment operator that alleged disability discrimination and other civil rights violations.
- Represented a municipality in police and fire dismissal proceedings. All of which resulted in the dismissals being affirmed.
- Assisted a chain of fast food restaurants in a FLSA wage and hour audit which resulted in a finding of no violations.
- Represented an urban elementary school district opposing the state superintendent of education's landmark attempt to place the district into academic receivership. The state board of education voted against the receivership.

Representative Matters (cont.)

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

Community Involvement

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

Reported Decisions

- *Malone v. Dysart Unified School District No. 89*, 2011 WL 2118945 (2011) (Former principal sued alleging breach by contract, violation of due process and other claims. Trial court awarded summary judgment and over $20,000 in attorneys' fees to the school district. That decision was upheld by the Court of Appeals and the Arizona Supreme Court).
- *Hance v. Fountain Hills Unified School District, et al.*, 2010 WL 2773545 (2010) (Former student sued alleging IDEA violations, civil rights violations and other claims. Trial court granted the school district's motion to dismiss. That decision was upheld by the Court of Appeals and the Arizona Supreme Court).
- *Stallings, ex rel. Stallings v. Gilbert Unified School Dist. No. 41*, 2009 WL 3165452 (2009) (Severely disabled student brought an IDEA due process hearing to challenge the IEP team's recommended placement. The hearing officer ruled in the school's favor on all claims and that ruling was upheld on appeal).
- *Hodge v. Mayer Unified School District No. 43 Governing Board*, 2007 WL 1112954 (2007) (Principal sued alleging sex discrimination and other civil rights violations. Many of her claims were dismissed on summary judgment. The remaining claims were tried to a jury and unanimously resolved in the school district's favor. The trial court results were affirmed on appeal).
- *Addvensky v. Dysart Unified School Dist. No. 89*, 2011 WL 1882289 (2011) (Former teacher sued alleging breach of contract, violation of due process and related claims. The court granted the district's motion to dismiss).
- *Williams ex rel. T.W. v. Yuma School Dist. No. 1*, 2010 WL 5421304 (2010) (Father sued challenging the long term suspension his son received and alleging civil rights violation. The court upheld the discipline imposed by the district and dismissed the other claims).
- *Smith ex rel. Smith v. Seligman Unified School Dist. No. 40 of Yavapai County, Ariz.*, 644 F. Supp.2d 1070, 2009 WL 3270885 (2009) (Mother sued challenging the discipline her daughter received and alleged the district and staff had violated the child's civil rights. The court granted the district's motion to dismiss the lawsuit).
- *Epps v. Phoenix Elementary School Dist.*, 2009 WL 996308 (2009) (Former principal sued alleging race discrimination and other civil rights violations. The district was awarded summary judgment on all claims.)

Jennifer N. MacLennan
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602.257.7475

Practice Areas
Education Law
Labor and Employment Law

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

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

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

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

Admissions
- Arizona (1992)

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

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

Andrew J. McGuire
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602.257.7664

Practice Areas
Municipal Government
Special Districts
Real Estate
Land Use
Zoning Law

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

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

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

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

Professional Associations
- State Bar of Arizona (member, Public Lawyers Section)
- Arizona Planning Association
- Arizona City Attorney's Association
- Maricopa County Bar Association (member, Public Lawyers Division)

Presentations and Publications
- Speaker, "Frequently-Asked Questions in Implementing SB 1525," League of Arizona Cities and Towns, February 2013
- Speaker, "Unintended Consequences of Developer Agreements," Growth and Infrastructure Consortium, October 2012
- Speaker, "Implementing SB 1525: Key Provisions and Considerations," League of Arizona Cities and Towns, May 2012
- Speaker, "Arizona Impact Fees Under SB 1525," Growth & Infrastructure Consortium, October 2011
- Speaker, "Impact Fees: Interim Implementation Requirement of SB 1525," Government Finance Officers of Arizona Budget Forum, October 2011
- Speaker, "A Robust Discussion Concerning an Issue Critical to Arizona's Development Future . . . ," Urban Land Institute Arizona, October 2011

Christina M. Noyes

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602.257.7488

Practice Areas

Franchises and Franchising
Commercial Law
Corporate

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

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

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

Education

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

Admissions

- Arizona (1996)

Professional Associations

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

Community Involvement

- Paradise Valley Girls Softball League (Board Member and Treasurer)
- Girls Ranch Inc., of Arizona (former Board Member)

PRESENTATIONS AND PUBLICATIONS

- Author, Arizona chapter in "Covenants Against Competition in Franchise Agreements" (3rd Edition) published by the American Bar Association, Forum on Franchising, 2012
- Author and Speaker, "Pros and Cons of Third Parties Selling and Servicing Your Brand," Client Seminar, 2012
- Author and Speaker, "Vendor Rebate Considerations," Client Seminar, 2012
- Author and Speaker, "Recent Actions in Case Law and the New Federal Business Opportunity Law," Client Seminar, 2012
- Co-Author and Speaker, "The Perils of Third Parties Selling or Servicing Your Brand: Broker, Area Representative and Area Developer Programs," A.B.A. Forum on Franchising, Annual Forum, October 2011
- Co-Author and Speaker, "Oh No, Is That Really a Material Change?" International Franchise Association, Legal Symposium, May 2011
- Co-Editor, "Mergers and Acquisitions of Franchise Companies," American Bar Association, Forum on Franchising 2011, 2nd Edition
- Co-Author, "Agreements and Issues Related to the Franchise Sales Process." In, *Collateral Issues in Franchising,* American Bar Association, Forum on Franchising, estimated publication date 2011, 1st Edition
- Author and Speaker, "Gift Card Programs," Client Seminar, 2011
- Author and Speaker, "Handling Material Changes After Your Annual Update," Client Seminar, 2011
- Author and Speaker, "Types of Business Structures and Trademarks 101," Kingdom Business Institute, 2010
- Author and Speaker, "Escrows, Deferrals and Bonds," Client Seminar, 2010
- Author, "Yes! You REALLY Need an Operating Agreement—and Here's Why," Gust Rosenfeld Business Bulletin, 2009; Reprinted in *The SMART Systems Insider*, 2010
- Author and Speaker, "Electronic Disclosure of the FDD," Client Seminar, 2010
- Author and Speaker, "Earnings Claims—Are They Worth the Trouble?" Client Seminar, 2009
- Co-author and Speaker, "New Developments Regarding FTC Rules," Client Seminar, 2009
- Author, "New Facebook Feature Could Threaten Your Trademark," Gust Rosenfeld Client Alert, 2009
- Co-author and Speaker, "The New Federal Disclosure Law and Its Impact on Your Sales Procedures, UFOC and Closings," Client Seminar, 2008
- Author, "Positioning Your Business for Franchising," Gust Rosenfeld Newsletter, 2007
- Co-author and Speaker, "The Proposed New Business Opportunity Rule and State Business Opportunity Laws," A.B.A. Forum on Franchising, Annual Forum, 2007
- Co-author and Speaker, "Playing in the Big Leagues," Client Seminar, 2006
- Co-author and Speaker, "Tough Challenges of Franchising," Client Seminar, 2005
- Co-author and Speaker, "Tying It All Together," Arizona Franchisor Association, 2005
- Co-author and Speaker, "The Road to Success," Client Seminar, 2004
- Co-author and Speaker, "'Note'-able Hot Topics," Client Seminar, 2003
- Co-author and Speaker, "Welcome to the Big Leagues!" Client Seminar, 2001
- Co-author, "Advertising – Doing It Right Legally," Maricopa County Bar Association Corporate Counsel Division, 2000
- Co-author, "Franchising and Trademark Law – Where It's At and Where It's Going," The Arizona Paralegal Association, 2000
- Co-author and Speaker, "Advertising – Doing It Right Legally," Client Seminar, 1999

BARBARA U.
RODRIGUEZ-PASHKOWSKI
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602.257.7494

PRACTICE AREAS
Environmental Law
Natural Resources
Administrative Law
Litigation

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

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

EDUCATION

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

ADMISSIONS

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

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona (member, Environmental & Natural Resources Law Section)
- Gust Rosenfeld P.L.C., Chairperson, Diversity Committee
- Maricopa County Bar Association (Executive Committee Board Member of the Environmental & Natural Resources Law Section; member, Diversity Committee; member, CLE Committee)
- American Bar Association (member, Environment, Energy and Resources Section)
- Hispanic National Bar Association (member, Public Interest Law Section; member, Litigation & Dispute Resolution Section)
- Attorney General's Office (former member, CLE Committee, 1998-2007)
- Environmental Bankers Association
- Arizona Department of Environmental Quality (former member, Continuing Education Committee, 1998-2003)

Presentations and Publications

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

Community Involvement

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

DAVID A. PENNARTZ

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602.257.7418

PRACTICE AREAS

Municipal Law
Land-use and Zoning
Litigation
Appeals

David Pennartz focuses his practice on municipal law, land-use and zoning law, administrative hearings, litigation and appeals. He represents and serves as special legal counsel to municipalities, other governmental units, businesses and individuals on a variety of issues.

He has exceptional expertise in zoning law and procedures; governing board responsibilities; governmental liability; election law, procedures, challenges, and campaign finance and other special counsel investigations and enforcement; and complex development agreements. David handles litigation, hearings and appeals that include disputes relating to municipal law and regulations; civil rights; discrimination claims; constitutional law; real property and utility condemnation/eminent domain; election law; zoning; first amendment; sales and property tax issues; open meeting law; and public records law.

He frequently writes and speaks on municipal, election, land-use law, regulatory compliance and litigation topics.

David is a former city attorney for the City of Scottsdale and Deputy and Acting City Attorney for the City of Glendale. He has taught as an Adjunct Professor at the Community College level, and serves as a hearing officer for the Arizona Supreme Court, Certification & Licensing Division, as well as in disputes relating to land-use takings/exactions and municipal employment. David is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

EDUCATION

- Arizona State University (B.S., Agri-Business Management, *summa cum laude*, 1976)
- Arizona State University College of Law (J.D., *cum laude*, 1980; American Jurisprudence Award, Criminal Law, 1978)
- Arizona State University College of Public Programs, Institute for Public Executives & Leadership (Certification)

ADMISSIONS

- Arizona (1980)
- U.S. District Court, District of Arizona (1980)
- U.S. Court of Appeals, Ninth Circuit (1980)
- U.S. Supreme Court (1988)
- U.S. Court of Federal Claims (1981)

Professional Associations

- State Bar of Arizona (former member, Committee on Continuing Legal Education; member, Public Lawyers Section)
- Maricopa County Bar Association (member, Public Lawyers Division)
- Scottsdale Bar Association (member, 2000-2004; Board of Directors, 2003-2004)
- International Municipal Lawyers Association (member, 2000-2003)
- American Bar Association (Government and Public Lawyers Division, State and Local Government Law Section, and Condemnation Law Committee)
- Arizona Supreme Court (Hearing Officer, Administrative Office of the Courts, Certification and Licensing Division, 2004)

Presentations and Publications

- Speaker, "Consistently Inconsistent – Initiative and Referendum Case Law and Recent Developments in the Law on Ballot Measures" (2012)
- Speaker, "Challenging or Appealing Zoning Decisions" (2012)
- Speaker, "Working Without a Net: Substantive Immunity and Procedural Privilege Applied to the City Attorney" (2012)
- Speaker, "Election Contests and Influencing Elections" (2011)
- Speaker, "Expert Testimony: Best Practices (Daubert/Frye Standard)" (2011)
- Author, Amicus Brief on Merits, Arizona Court of Appeals, on annexation law and municipal jurisdiction (brief referenced in published opinion) (2011)
- Author, Amicus Brief in Support of Petition for Review, Arizona Supreme Court, on non-application of special rate property tax statute for convention centers to destination resort hotels (review granted) (2011)
- Speaker, "Development Impact Fees – Appellate Litigation Results," state constitutional and statutory litigation strategy (2010)
- Speaker, "Notice of Claim Defense: Hot Topics, Recent Rulings and Trends" (2010)
- Speaker, "Municipal Condemnation Law and Practice for the City Attorney," real property and regulated utility acquisitions (2010)
- Speaker, "The Third Supremacy: Municipal Litigation Under the Arizona Constitution" (2010)
- Speaker, "The Red Flags Rule," Federal Trade Commission and banking regulatory agencies, Identity Theft Prevention Program, new regulatory requirements, implications for municipalities (2009)

Community Involvement

- Phoenix Children's Hospital Foundation (Community Volunteer)

Scott W. Ruby

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602.257.7432
Executive Committee Member

Practice Areas

Municipal Finance
Public Finance
Municipal Government
Education Law

Scott W. Ruby focuses his practice on governmental law. Scott provides general legal services to governmental entities and focuses his practice on matters relating to municipal finance, contract negotiations, development agreements, real estate, budgets and elections. He represented several cities and the County Stadium District in negotiations involving the financing and development of major league baseball facilities.

Scott is counsel to more than 50 municipal and school district entities and has served as bond counsel in connection with the issuance of billions of dollars of bonds.

Scott has been recognized in the Public Finance and Corporate Law categories of *The Best Lawyers in America®,* has been listed in *Southwest Super Lawyers®* magazine for Bonds/Government Finance and selected as Top Rated Lawyer in Banking and Finance Law by *American Lawyer Media.* He has received an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

Education

- Arizona State University (B.S., *magna cum laude*, Economics, 1975, Phi Kappa Phi)
- Arizona State University College of Law (J.D., 1978)

Admissions

- Arizona (1978)

Professional Associations

- State Bar of Arizona (former elected director, Young Lawyers Division; member, Public Law Section)
- Maricopa County Bar Association (former director, Young Lawyers Division; member, Public Lawyers Division)
- National School Boards Association Council of School Attorneys
- National Association of Bond Lawyers
- International Municipal Lawyers Association

Presentations and Publications

- Speaker, "Municipal Law"
- Speaker, "Tax-Exempt Financing"
- Speaker, "Community Facilities Districts"
- Speaker, "Improvement Districts"
- Speaker, "Development Agreements"
- Speaker, "Election Law"

Community Involvement

- Make-A-Wish Foundation of Central and Southern Arizona (former vice president; former secretary; former director)

Christopher A. Schmaltz

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602.257.7480

Practice Areas

Airport/Aviation Law
Municipal Law
Land Use
Zoning Law
Education Law
Election Law
Public Finance

Christopher Schmaltz concentrates his practice on public law, representing municipalities, counties, school districts, and airports around the state in diverse areas of general governmental law. His specific areas of expertise include land use planning and zoning, procurement and construction contracting, airport/aviation-related matters including leasing, administration, regulation and development; other areas include real estate development, elections, open meeting and public records law, economic development and finance issues, and constitutional law.

Chris serves as counsel to the Phoenix-Mesa Gateway Airport Authority and represents various municipalities in their general plan updates, zoning code updates, development agreements, annexations, plan amendments, and rezoning, airport related matters, and also advises municipal planning commissions and boards of adjustment on all agenda matters. In addition, Chris represents municipal, school district and special district clients in procuring design professionals and contractors to complete various public infrastructure projects, including use of design-bid-build and alternative project delivery methods of procurement and contracting. He also counsels school districts regarding bond and override elections, including preparation of voter information pamphlets and ballots and issues related to compliance with the federal Voting Rights Act.

In 2009, Chris was privileged to serve as Chair of the Board for Valley Forward Association, which celebrated its 40th Anniversary as a community organization that year. He continues to be involved in the organization, now statewide as Arizona Forward, on its Valley Forward Regional Council, Sustainable Funding Committee, and a variety of other committees.

Education

- University of Arizona (B.A., 1992)
- American University Washington College of Law (J.D., 1996)

Admissions

- Arizona (1998)
- District of Columbia (1997)

Professional Associations

- State Bar of Arizona (member, Real Property Section; member, Public Law Section)
- Maricopa County Bar Association
- National Association of Bond Lawyers
- American Planning Association
- Arizona Planning Association
- American Bar Association
- Chosen as "Up-and-Comer" by *bizAZ Magazine* (2003)

Presentations and Publications

- Speaker, "Legal Issues Update," Arizona Airports Association Spring Conference, 2013
- Author and Speaker, "Legal Issues Involving Local Governments," NBI - CLE Seminar, October 2012
- Speaker, "Legal Considerations in Appraisals of Airport Properties," Arizona Airports Association, Spring Conference, 2013
- Author, "New Medical Marijuana Law Raises Questions, Creates Potential Pitfalls for Arizona Employers," Gust Rosenfeld Newsletter, Spring 2011
- Speaker, "SB 1406: Amending Alternative Project Delivery Method Procurement Statutes," Gust Rosenfeld Government Attorney Lunch and CLE Series, July 2010
- Author, "CityNorth Decision Alters Development Scene in Arizona," Gust Rosenfeld Newsletter, Spring 2010
- Speaker, "Legislative and Case Law Update," Gust Rosenfeld Government Attorney Lunch and CLE Series, December 2009
- Author, "Arizona Legislative Updates: Changes to Open Meeting Law and Charter School Zoning," Gust Rosenfeld Newsletter, Fall 2009
- Author, "Recent Changes to Arizona's Concealed Weapon Law," Gust Rosenfeld Newsletter, Fall 2009
- Author, "Employer Sanctions Law Impacts Public Entities," Gust Rosenfeld Newsletter, Fall 2008
- Speaker, "Legislative and Case Law Update," State Bar of Arizona CLE, Land Use Law Update, 2008
- Speaker, "Proposition 207: What it Means for Arizona and Property Rights," CLE International, Land Use Law Conference, 2007
- Speaker, "Paradigm Shift: School Buildings Built Faster and More Efficiently! (New Opportunities Under Alternative Project Delivery Methods for School District Construction)," Arizona School Boards Association Law Conference, 2005
- Speaker, "Election Guidelines for School Districts & Dealing with Zoning Cases and School Site Dedication/Reservation," Arizona School Boards Association Law Conference, 2004

Community Involvement

- Arizona Forward Association (Member, Valley Forward Regional Council, 2013-present; Member, Sustainable Funding Committee, 2013-present)
- Valley Forward Association
    - Executive Committee and Board of Directors, 2003 – 2012
    - Member, Sustainable Funding Committee, 2008 – 2012
    - Chair, Sustainability Index/Report Card Planning Committee, 2010
    - Chair, Program Committee, 2010
    - Chair of the Board, 2009
    - Chair, Urban Form Report Card Steering Committee, 2007 – 2008
    - Member, Urban Form Report Card Steering Committee, 2003 – 2004
    - Co-chair, Land Use and Open Space Committee, 2003 – 2006
    - Editor, *Rio Salado Forward Newsletter*, 1999 – 2000
- Arizona Airports Association

Shiela B. Schmidt

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602-257-7990

Practice Areas

Natural Resources
Public Law
Real Estate
Water Law

Shiela Schmidt concentrates her practice in the areas of water law, governmental law, development agreements, and real estate. She has extensive experience working with municipalities, irrigation and water improvement districts, and landowners on a wide variety of Arizona water issues and has represented clients in the Little Colorado River and Gila River adjudications.

Shiela's water law practice includes documenting, acquiring, and transferring groundwater rights in Arizona where she actively assists her clients in negotiating and resolving noncompliance matters before the Arizona Department of Water Resources. In addition to handling the full array of water related issues frequently encountered by municipalities, irrigation and water improvement districts, Shiela serves as special water counsel to municipalities and water improvement districts, providing her clients with counseling in connection with water and land development matters and negotiating and drafting of transactional documents. She also participates in the rulemaking process on water related matters and has drafted proposed water related legislation.

Shiela's governmental law practice focuses on matters relating to municipal governance, development agreements, water, and real estate. She is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

Education

- Arizona State University (B.S., *cum laude*, 1984)
- University of Arizona College of Law (J.D., 1987)

Admissions

- Arizona (1988)

Professional Associations

- State Bar of Arizona (member, Environmental and Natural Resources Section; member, Administrative Law Section; member, Public Law Section)
- Arizona Women Lawyers Association
- Maricopa County Bar Association (member, Environmental & Natural Resources Law Section)
- American Bar Association (member, Section of Environment, Energy and Resources)

Community Involvement

- 85th Arizona Town Hall - *Arizona's Water Future: Challenges and Opportunities*
- City of Chandler (past Commissioner, Planning and Zoning Commission; past member, Board of Adjustment)
- Phoenix Downtown YMCA (past member, Board of Management)

Susan Plimpton Segal

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Practice Areas

Public Law
Municipal Law
Education Law
Employment Law

Susan Segal brings exceptional expertise in the area of public law and employment law. Susan has represented the State of Arizona, the Arizona Department of Education and the Arizona Board of Education in complex litigation regarding financing of public education. She is a recognized expert in procurement law and advises both public entities and private sector clients on a broad range of legal issues and challenges.

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

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

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

Education

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

Admissions

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

Professional Associations

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

Presentations and Publications

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

Community Involvement

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