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PRACTICE AREAS

Commercial Litigation
Construction Litigation
Tort Liability Litigation
Medical Malpractice
Class Action Litigation
Real Estate Litigation
Insurance Defense
Probate Litigation
Employment Litigation
Environmental Litigation
Franchise Law and Litigation

EDUCATION

Stanford Law School, J.D., 1980
University of San Francisco, B.A., *magna cum laude*, 1977

HONORS AND AWARDS

Fellow, American College of Trial Lawyers, 2004
Chambers USA, America's Leading Lawyers for Business (2007),
Litigation
Best Lawyers in America (2007 edition), Commercial Litigation
Southwest Super Lawyers (2007 edition), Business Litigation
Environmentalist of the Year, Arizona Game and Fish Commission,
2007

PROFESSIONAL ACTIVITIES

Fellow, American College of Trial Lawyers: Member, Judiciary
Committee, 2004-present
American Board of Trial Advocates, 1998-present
Ninth Circuit Lawyers' Advisory Board, 2004-2006
Ninth Circuit Judicial Conference Executive Committee, 2003-2004
Lawyer Representative to the Ninth Circuit Judicial Conference,
2000-2003
American Bar Association: House of Delegates, 1999-2003;
Committee on Business Torts Litigation; Sections on Litigation;
Tort and Insurance Practice; Labor and Employment Law
Pima County Superior Court: Judge Pro Tempore, 1991-present
State Bar of Arizona: Executive Committee, Trial Practice Section,
1995-2000; Disciplinary Committee, 1989-1997
Tucson Federal Bar Association: Charter Member/Steering
Committee Member, 1995-present; President, 1999-2000
Pima County Commission on Trial Court Appointments, 1994-1998
Pima County Bar Association: Chairman, Rules Committee, 1991-
2001

Tucson Defense Bar Association: Member; President, 1989-1990
Defense Research Institute
Association of Trial Lawyers of America

PUBLISHED ARTICLES

Business Torts: A Fifty-State Guide, Author/Editor for Arizona, 2007 edition
"Managing the Cost of Electronic Discovery," General Counsel Roundtable, 2004
"Punitive Damages from the Plaintiff's Perspective," State Bar of Arizona, 1996
"Ethical Considerations in Filing Dispositive Motions," American Bar Association, Section of Tort and Insurance Practice, National Institute Publication entitled Streamlining Your Case, 1991
"Arbitration in the Nineties," *Arizona Attorney*, 1990
"Emerging Areas of Employer Liability," *Personnel Law Update*, Council on Education in Management, 1989

PROFESSIONAL LECTURES

"Lawyers and the Media Look at the Court of Appeals," Ninth Circuit Conference, University of Arizona James E. Rogers College of Law, October 2005
"Managing the Cost of Electronic Discovery," General Counsel Roundtable, 2004
"Course on Professionalism," Professional Course Oversight Committee, State Bar of Arizona, April 2003
"Innovations in Civil Jury Trials – What Can be Done to Make Juries More Efficient and Effective," Magistrate Judges Education Program, Ninth Circuit Judicial Conference, Coronado, California, July 2002
"Juror Discussions During Trial and Other Heresies, or How to Unpot a Plant," Moderator of Panel Discussion, Chief District Judges of the Ninth Judicial Circuit, Tucson, Arizona, January, 2002
"Avoiding Legal Malpractice," State Bar of Arizona Young Lawyers Division, Tucson, Arizona, November 2001
"The Changing Dynamics of Bear Management: Arizona's Experience with Litigation from a Bear Mauling," 7th Western Black Bear Workshop, Coos Bay, Oregon, May 2000
"The Art of Advocacy," State Bar of Arizona Convention, June 1997
"Planning Ahead to Avoid Legal Malpractice," National Business Institute, 1997
"Practical Legal Ethics," National Business Institute, May 1997
"Recent Changes in Punitive Damage Law," CLE-Ops, February 1997

"Recent Developments in the Law of Punitive Damages: *Gore v. BMW*," State Bar of Arizona, December 1996

"Effective Use of Jury Consultants and Focus Group Research," Tucson Defense Bar Association, November 1995

"Employee Discharge and Documentation in Arizona," Lorman Education Services, September 1994

"Employment at Will in Arizona: Dogma or Dinosaur," Lorman Education Services, 1994

"Life Under the Zlaket Rules: Newfound Professionalism and Cooperation or Just New Battlegrounds?" State Bar of Arizona, Arizona Legal Skills, 1992

"Bench and Bar: Lawyers and Judges Discuss Problem Areas in Civil Practice," State Bar of Arizona, December 1992

"Written and Oral Discovery In Light of the New Rules," Arizona Legal Skills, State Bar of Arizona, May 1992

"Panel on Prosecution and Defense of Summary Judgment Motions," Chairman, Arizona Attorney General's Annual Conference, November 1991

"Streamlining Your Case," American Bar Association, Section of Tort and Insurance Practice, National Institute, Coronado, California, March 1991

"Arbitration," Arizona Legal Skills, State Bar of Arizona, March 1990

"Motion Practice," Arizona Institute of Continuing Legal Education, November 1989

"Emerging Areas of Employer Liability," Council on Education in Management, October 1989

"Court Award of Attorneys' Fees in Litigation," State Bar of Arizona, August 1988

"Panel on Environmental Law and Litigation," Chairman, Tucson Defense Bar Association, September 1988

COMMUNITY ACTIVITIES

National Rifle Association, Hunting and Wildlife Conservation Committee, 2004-present

Tucson Conquistadors, Member, 2000-present

Tucson Metropolitan YMCA, Board Member, 1995-2001

Tucson Fiesta Bowl Committee, Life Member, 1986-present

Los Charros del Desierto, Board Member, 1997-present

Arizona Antelope Foundation, Charter Member, 1993-present

Wildlife for Tomorrow, Board Member, 1999-2003

Pima Community College Bond Program Citizens Oversight Committee, Member, 1995-2000

Stanford Club of Southern Arizona, Member; President, 1984-1986

Downtown Lohse YMCA, Board Member, 1991-1995

Leadership Tucson, Graduate, 1986

REPRESENTATIVE MATTERS

Successful defense of the University of Arizona in the Mt. Graham telescope litigation brought by the Apache Survival Coalition

\$2.4 million plaintiffs' verdict in a class action of Yuma citrus growers brought against a packing plant

\$1 million judgment against Orkin for fraud in connection with termite treatment

Successful defense of Tucson Mayor Lewis Murphy in an Open Meeting Law Prosecution

Lead counsel in a \$28 million class settlement against Stratosphere, Corp. and related entities

Fee award as sanctions against Southwest Center for Biological Diversity in a lawsuit under the Endangered Species Act

Lead counsel in \$5.5 million dollar class action settlement against Citizen's Utilities for substandard electrical service provided to residents of Santa Cruz County

\$10 million bad faith judgment against Westport Insurance

Successful defense of multiple beryllium toxic tort cases

REPORTED CASES

Bloxham v. Glock, Inc., 203 Ariz. 271, 53 P.3d 16 (App. 2002)

Gamez v. Brush Wellman, Inc., 201 Ariz. 266, 34 P.3d 375 (App. 2001)

Loral Terracom v. Valley Nat. Bank, 49 F.3d 555 (9th Cir. 1995)

Robin Cable Systems L.P. v. City of Sierra Vista, 842 F.Supp. 380 (D. Ariz. 1993)

In Re: Estate of Ivancovich, 151 Ariz. 442, 728 P.2d 661 (App. 1986)

Gates Learjet Corporation v. Jensen, 743 F.2d 1325 (9th Cir. 1984)