

**APPLICATION FOR NOMINATION TO  
JUDICIAL OFFICE**

**SECTION I: PUBLIC INFORMATION  
(QUESTIONS 1 THROUGH 65)**

**PERSONAL INFORMATION**

1. Full Name: **Michael Shawn Catlett**
2. Have you ever used or been known by any other name? **No**
3. Office Address: **Arizona Attorney General's Office  
Office of the Solicitor General  
2005 N. Central Ave.  
Phoenix, Arizona 85004**
4. How long have you lived in Arizona?

**I lived in Phoenix, Arizona from May 1980 through September 2006. During my judicial clerkship, I lived in Santa Fe, New Mexico from September 2006 through September 2007. I moved back to Phoenix in September 2007 and have since lived here.**

What is your home zip code? **85013**

5. Identify the county you reside in and the years of your residency.

**Maricopa County: 2007 - current.**

6. If nominated, will you be 30 years old before taking office?

**Yes**

If nominated, will you be younger than age 65 at the time the nomination is sent to the Governor?

**Yes**

7. List your present and any former political party registrations and approximate dates of each:

**I have been registered with the Republican Party since first registering to vote in approximately 1998.**

(The Arizona Constitution, Article VI, § 37, requires that not all nominees sent to the Governor be of the same political affiliation.)

8. Gender:

**Male**

Race/Ethnicity:

**Caucasian**

**EDUCATIONAL BACKGROUND**

9. List names and locations of all post-secondary schools attended and any degrees received.

**University of Arizona James E. Rogers College of Law, Tucson, Arizona, Juris Doctor Degree (2006)**

**Arizona State University, Tempe, Arizona, Bachelor of Science Degree (2002)**

**Paradise Valley Community College, Phoenix, Arizona (attended 1999-2000)**

**Glendale Community College, Glendale, Arizona (attended Fall 1998)**

10. List major and minor fields of study and extracurricular activities.

**Law School - University of Arizona**

**I was Editor-in-Chief of the Arizona Law Review from 2005 to 2006.**

**I participated in the appellate moot court program from 2005 to 2006, including serving on the moot court board.**

**I was a student member of the Federalist Society for Law and Public Policy from 2005 to 2006.**

**From 2003 to 2004, I served as a representative in the law school's student government.**

**During the summer of 2004, I was a judicial extern for the Hon. James A. Teilborg on the United States District Court for the District of Arizona. During my second year of law school, at Judge Teilborg's request, I served as a temporary law clerk when one of his full-time law clerks took maternity leave.**

**During the summer of 2005, I was a summer associate at Quarles & Brady, LLP and served as an intern in the Summer Honors Program at the United States Department of Justice in Washington, D.C.**

**During the summer of 2006, I was a summer associate at Osborn Maledon, P.A.**

**Undergraduate - Arizona State University**

**I majored in finance at Arizona State University.**

**During most of my time in college, I worked to pay tuition and living expenses, including at Discover Financial Services (customer service), the Arizona Biltmore Resort (valet attendant), Charles Schwab Institutional (finance intern), Gateway Community College (math, economics, and accounting tutor), and Coca Cola Enterprises (finance intern).**

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

**Law School - University of Arizona**

- **Graduated *Summa Cum Laude* (highest distinction).**
- **Order of the Coif.**
- **Dean's List all semesters.**
- **Aigler Memorial Award - awarded to the graduating student who made the most significant scholarly contribution to the College of Law.**
- **Fegtly Moot Court Award - awarded to the student who obtained the highest overall score in the second-year appellate moot court competition.**
- **Snell & Wilmer Student Note Award - awarded to the student who authored the best second-year note for the Arizona Law Review.**
- **Heurlin Award for Study of Federal Courts - awarded for outstanding performance in the Federal Courts course.**
- **Awarded academic scholarships all three years.**

**Undergraduate - Arizona State University**

- **Graduated *Summa Cum Laude*.**
- **Wall Street Journal Student Achievement Award - awarded to the student with the top academic performance in the finance program.**
- **While in community college, I received the Presidential Merit Scholarship. I also received a scholarship my senior year at ASU for academic performance.**

**PROFESSIONAL BACKGROUND AND EXPERIENCE**

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for any administrative bodies that require special admission to practice.

**Arizona Supreme Court (2007)**

**United States District Court for the District of Arizona (2007)**

**United States District Court for the Eastern District of Michigan (2016)**

**United States Court of Appeals for the Third Circuit (2021)**

**United States Court of Appeals for the Ninth Circuit (2007)**

**United States Court of Appeals for the Tenth Circuit (2007)**

**United States Supreme Court (2021)**

**I have also been admitted *pro hac vice* in the Central and Northern Districts of California, the District of Utah, the District of Colorado, the District of Nevada, the District of Massachusetts, the Northern District of Texas, and the Southern District of Florida.**

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening?

**No**

- b. Have you ever had to retake a bar examination in order to be admitted to the bar of any state?

**No**

14. Describe your employment history since completing your undergraduate degree. List your current position first. If you have not been employed continuously since completing your undergraduate degree, describe what you did during any periods of unemployment or other professional inactivity in excess of three

months. Do not attach a resume.

<b>EMPLOYER</b>	<b>DATES</b>	<b>LOCATION</b>
<b>Arizona Attorney General's Office</b>	<b>5/2020 - Present</b>	<b>Phoenix, AZ</b>
<b>Deputy Solicitor General and Chief Counsel of Special Litigation</b>	<b>1/2021 - Present</b>	
<b>Deputy Solicitor General</b>	<b>5/2020 - 1/2021</b>	
<b>Quarles &amp; Brady, LLP</b>	<b>7/2010 - 5/2020</b>	<b>Phoenix, AZ</b>
<b>Partner</b>	<b>10/2014 - 5/2020</b>	
<b>Associate</b>	<b>7/2010 - 10/2014</b>	
<b>Osborn Maledon P.A.</b>	<b>9/2007 - 7/2010</b>	<b>Phoenix, AZ</b>
<b>Associate</b>		
<b>The Hon. Paul J. Kelly, Jr., United States Court of Appeals for the Tenth Circuit Law Clerk</b>	<b>9/2006 – 9/2007</b>	<b>Santa Fe, NM</b>
<b>Osborn Maledon P.A.</b>	<b>5/2006 - 6/2006</b>	<b>Phoenix, AZ</b>
<b>Summer Associate</b>		
<b>United States Department of Justice Honor's Program Intern</b>	<b>7/2005 - 8/2005</b>	<b>Washington, D.C.</b>
<b>Quarles &amp; Brady, LLP</b>	<b>5/2005 - 7/2005</b>	<b>Phoenix, AZ</b>
<b>Summer Associate</b>		
<b>The Hon. James A. Teilborg, United States District Court for the District of Arizona Extern, Temporary Law Clerk</b>	<b>12/2004 - 1/2005</b> <b>5/2004 - 8/2004</b>	<b>Phoenix, AZ</b>

**Bank One Corporation  
Risk Analyst**

**6/2002 - 8/2003**

**Phoenix, AZ**

15. List your law partners and associates, if any, within the last five years. You may attach a firm letterhead or other printed list. Applicants who are judges or commissioners should additionally attach a list of judges or commissioners currently on the bench in the court in which they serve.

**See Exhibit D, which is a list of Assistant Attorneys General supplied by the Attorney General Office's Human Resources Department.**

**Below, I supplement Exhibit D with attorneys I personally worked with in the Solicitor General's Office but who have since left for other employment.**

**Oramel (O.H.) Skinner – Executive Director, Alliance for Consumers  
The Hon. Rusty Crandall – Judge, Maricopa County Superior Court**

**See Exhibit E for a list of my colleagues at Quarles & Brady around the time of my departure from the firm in May 2020.**

16. Describe the nature of your law practice over the last five years, listing the major areas of law in which you practiced and the percentage each constituted of your total practice. If you have been a judge or commissioner for the last five years, describe the nature of your law practice before your appointment to the bench.

**For the entirety of my career, I have specialized in complex commercial litigation and appeals.**

#### **Arizona Attorney General's Office**

**At the Attorney General's Office, I represent the State of Arizona and the Attorney General in state and federal appellate courts. Since joining the Attorney General's Office in May 2020, I have appeared on behalf of the State of Arizona or the Attorney General in approximately 20 appeals. I have appeared as counsel of record in both divisions of the Arizona Court of Appeals, the Arizona Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. Supreme Court. I have handled a wide variety of issues, including the Second Amendment, victims' rights, energy regulation, antitrust regulation, the open meeting law, criminal law, and election law.**

**I also represent the State of Arizona and the Attorney General in special litigation matters. For example, I am lead counsel for Arizona in the bi-partisan federal antitrust case brought by the Department of Justice and 48**

states against Google. I have also represented the State of Arizona and the Attorney General in high-profile cases involving consumer fraud, the unlawful payment of public monies, election integrity, abortion, and redistricting.

I also manage and oversee the Government Accountability Unit and supervise six attorneys. The Government Accountability Unit oversees the investigation and enforcement of Arizona's laws regarding election integrity, open meetings, payment of public monies, conflicts of interest, procurement, electioneering, lobbyist reporting, and campaign finance. I also oversee the SB1487 process, which allows state legislators to request that the Attorney General initiate investigations of local government for violations of Arizona law.

Representative matters: *Welch v. Cochise County Board of Supervisors* (Arizona Supreme Court – open meeting law); *Arizona Democratic Party v. Hobbs* (District of Arizona and Ninth Circuit – election law); *Mi Familia Vota v. Hobbs* (Ninth Circuit – election law); *Schires v. Carlat* (Arizona Supreme Court – Gift Clause); *Duncan v. Bonta* (Ninth Circuit – Second Amendment); *Miller v. Bonta* (Ninth Circuit – Second Amendment); *Assoc. of NJ Pistol and Rifle Clubs v. Grewal* – (Third Circuit and U.S. Supreme Court – Second Amendment); *State ex rel. Brnovich v. Estrada* (Maricopa County Superior Court – racketeering and unlawful use of public monies); *State ex rel. Brnovich v. City of Tucson* (Arizona Supreme Court – election law); *State ex rel. Brnovich v. Google* (Maricopa County Superior Court – consumer fraud); *State of Colorado v. Google* (District of D.C. – multistate antitrust action); *Planned Parenthood of Arizona v. Brnovich* (District of Arizona – abortion regulation); *State v. Poe* (Arizona Court of Appeals – lesser included offenses).

### Private Practice

In private practice at Quarles & Brady and Osborn Maledon, I represented individuals and businesses of all sizes in complex business disputes and appeals. I frequently appeared in federal and state courts on behalf of my clients.

Approximately 70% of my practice involved complex commercial litigation in trial courts. In Arizona state court, I handled cases in the Maricopa, Pima, Pinal, Mohave, and Yavapai county superior courts. In federal court, I handled cases in the District of Arizona, the Central and Northern Districts of California, the District of Utah, the District of Colorado, the District of Nevada, the District of Massachusetts, the Northern District of Texas, the Eastern District of Michigan, the District of New Jersey, and the Southern District of Florida.



I represented companies in a wide variety of industries, including individual investors, financial institutions, direct sales companies, restaurants, law firms, doctors, shipping companies, health care companies, medical device companies, and franchisors, among others.

I handled many different types of claims on behalf of my clients, including class action, professional negligence, breach of fiduciary duty, civil racketeering, fraud, negligent misrepresentation, civil conspiracy, Arizona consumer fraud, securities fraud, breach of contract, malicious prosecution, abuse of process, tortious interference, and unjust enrichment, among others. The cases I handled ranged in value between \$50,000 and over \$1 billion.

Approximately 30% of my practice involved appellate litigation. Within Arizona, I appeared in appeals to the Arizona Supreme Court, both divisions of the Arizona Court of Appeals, and the appellate division of the Maricopa County Superior Court. In federal court, I appeared in appeals in the Ninth, Tenth, and Eleventh Circuits. I also sought and defended against special action relief in Division One of the Arizona Court of Appeals.

17. List other areas of law in which you have practiced.

**Not applicable.**

18. Identify all areas of specialization for which you have been granted certification by the State Bar of Arizona or a bar organization in any other state.

**Not applicable.**

19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

### Legal Documents

I have extensive legal writing experience. I have drafted over 100 briefs in state and federal appellate courts, including opening briefs, answering briefs, reply briefs, petitions for special action, motions and responses, petitions for review, and amicus briefs. I have also drafted hundreds—likely more than 500—briefs and legal documents, including complaints, answers, motions to dismiss and responses, procedural submissions (e.g., proposed

schedules and discovery plans), motions to compel and responses, motions for summary judgment and responses, motions in limine, post-trial motions, and proposed findings of fact and conclusions of law. I have also drafted more than 20 mediation statements, describing the factual background of the case and my client's legal position for purposes of settlement. At the Attorney General's Office, I have assisted in drafting and editing several Attorney General Opinions.

I have negotiated and drafted settlement agreements in more than 30 cases, many of which have involved multiple parties or the exchange of something other than money, such as real property, stock, or a security interest. I routinely assist business clients in negotiating and drafting litigation agreements, like common interest agreements (protecting legal privilege among co-defendants) and protective orders (protecting confidential business documents from disclosure).

As a law clerk to Judge Kelly on the U.S Court of Appeals for the Tenth Circuit and an extern to Judge Teilborg on the District Court of Arizona, I assisted in drafting and editing appellate and trial court opinions and orders.

#### Statutes and Rules

From 2013 to 2016, I was a member of the Arizona State Bar Committee on the Rules of Civil Practice and Procedure. As a member of the Committee, I assisted in drafting petitions to amend the Rules of Civil Procedure as well as preparing the State Bar's comments on petitions for changes to the Civil Rules filed by lawyers or the public. I served on several sub-committees, including a sub-committee charged with drafting a proposed amendment to Rule 55 on default judgments and a sub-committee on re-styling several of the Rules, among others.

In 2014, I served on the Arizona Supreme Court's Committee on Superior Court Records Retention Schedule Revision. As a member of the Committee, I assisted in creating and drafting the Committee's recommendation to the Arizona Judicial Council on a revised schedule for the retention of Superior Court records.

20. Have you practiced in adversary proceedings before administrative boards or commissions? **Yes**

If so, state:

a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

**State Bar of Arizona (attorney discipline) - 3**  
**Arizona Board for Private Postsecondary Education - 1**  
**Federal Trade Commission - 1**

b. The approximate number of these matters in which you appeared as:

Sole Counsel: **0**

Chief Counsel: **1**

Associate Counsel: **4**

21. Have you handled any matters that have been arbitrated or mediated?

**Yes, approximately 30 total.**

If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: **3**

Chief Counsel: **10**

Associate Counsel: **17**

22. List at least three but no more than five contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case.

**A. Bill and Sue Beverage v. Pullman & Comley LLC, Maricopa County Superior Court, Complex Calendar, CV2011-091442**

**1. Date of proceedings:**

**January 2011 to September 2018**

**2. Counsel:**

**Leo R. Beus, Esq. (lbeus@beusgilbert.com)  
L. Richard Williams, Esq. (rwilliams@beusgilbert.com)  
Thomas A. Gilson, Esq. (tgilson@beusgilbert.com)  
Beus Gilbert McGroder PLLC  
701 N. 44th St.  
Phoenix, AZ 85008  
(480)429-3000  
Counsel for Plaintiffs Bill and Sue Beverage**

**James Rigberg, Esq. (jrigberg@dickinsonwright.com)  
Dickinson Wright PLLC  
1850 North Central Avenue, Suite 1400  
Phoenix, AZ 85004  
(602)285-5000  
Counsel for Defendant Fitzpatrick Hopkins Kelly & Leonard**

**Allan Taffett, Esq. (allan.taffett@bracewell.com)  
Bracewell LLP  
1251 Avenue of the Americas, 49th Floor  
New York, New York 10020  
(212)508-6100  
Counsel for Defendant Deutsche Bank AG**

**Michael J. Farrell, Esq. (mfarrell@bfazlaw.com)  
Beyers Farrell PLLC  
99 East Virginia Ave., Suite 220  
Phoenix, AZ 85004  
(602)603-1442  
Counsel for Defendant Deutsche Bank AG**

**Don P. Martin, Esq. (don.martin@quarles.com)  
Michael S. Catlett, Esq.  
Quarles & Brady LLP  
One Renaissance Square**

Two North Central Avenue  
Phoenix, AZ 85004  
(602)229-5200  
Counsel for Defendants Pullman & Comley LLC and D. Robert Morris

**3. Summary of substance:**

Bill and Sue Beverage sued a number of professionals after the Internal Revenue Service took the position that the Beverages could not claim the losses from a complex tax shelter called the Custom Adjustable Rate Debt Structure (CARDS). Among the Defendants were Pullman & Comley, LLC ("Pullman"), a Connecticut law firm, and its tax partner, D. Robert Morris, who had issued a tax opinion letter to the Beverages regarding their ability to use the losses generated by CARDS. The Beverages asserted claims for civil racketeering, fraud, negligent misrepresentation, breach of fiduciary duty, investment management fraud, civil conspiracy, aiding and abetting tortious conduct, and professional malpractice.

We represented Pullman and Mr. Morris. We first filed motions to dismiss the complaint, including for lack of personal jurisdiction, arguing that Pullman had insufficient contacts with Arizona to require it to defend claims here. The Superior Court agreed and dismissed the claims against Pullman. The Beverages appealed. In a published decision, the Arizona Court of Appeals reversed and held that Pullman and Morris could be sued here. We appealed to the Arizona Supreme Court, which granted review but decided that suit in Arizona was proper.

Thereafter, the parties litigated for four years. Pullman filed a motion to dismiss several of the Beverages' claims, which the Superior Court granted in part. The parties engaged in targeted discovery on the issue of the statute of limitations. Pullman moved for summary judgment on the Beverages' claims, arguing that the statute of limitations had run. The Beverages argued that a unique tolling rule that the Court of Appeals had adopted for accountants preparing tax returns should be extended to lawyers providing tax advice. The Superior Court denied Pullman's motion for summary judgment, holding that the tolling rule also applied to lawyers giving tax advice.

In late 2017, during mediation, the Beverages and Pullman settled.

**4. Legal significance:**

The Arizona Court of Appeals' and the Arizona Supreme Court's decisions set forth the requirements for exercising personal jurisdiction over an out-of-state law firm. Most issues litigated were complex and legally difficult. I was lead counsel for Pullman in numerous oral arguments, depositions, and conferences with counsel. I also drafted trial court briefs, merits briefs and special action briefs at the Court of Appeals, and a petition for review and merits brief at the Arizona Supreme Court.

**B. Wislon Investments LLC v. Hirschler Fleischer, et al., United States District Court for the District of Arizona, 2:16-cv-03302-SPL**

**1. Date of proceedings:**

**September 2016 to May 2018**

**2. Counsel:**

**Michael S. Catlett, Esq.  
Julia Wittman, Esq. (julia.wittman@quarles.com)  
Quarles & Brady LLP  
One Renaissance Square  
Two North Central Avenue  
Phoenix, AZ 85004  
(602)229-5200  
Attorneys for Plaintiff Wislon Investments LLC**

**Richard E. Chambliss, Esq. (rec@bowwlaw.com)  
Tyler M. Abrahams, Esq. (tma@bowwlaw.com)  
Broening Oberg Woods & Wilson PC  
2800 N. Central Avenue, Suite 1600  
Phoenix, AZ 85004  
Attorneys for Defendants Hirschler Fleischer PC and J. Benjamin English**

**3. Summary of substance:**

**I represented Wislon Investments, LLC ("Wislon"), owned by an individual named Wilson Sheih, against Hirschler Fleischer PC ("Hirschler"), a large Virginia law firm, and its transactional partner, J. Benjamin English. Wislon made significant investments in a company called Fizza, which marketed and manufactured carbonated dairy beverages. Hirschler was counsel to Fizza. In 2015, Fizza needed**

additional capital to continue operations. Wision and one of Fizza's executives, George Clark, sought to attract additional investor capital. When the investor demanded terms that Wision decided were not in Fizza's best interest, Wision refused to approve the investment. Wision alleged that, thereafter, Hirschler advised George Clark to resign from Fizza, take Fizza's intellectual property, and form a competing company with the new investor in violation of a non-compete agreement. Hirschler then served as legal counsel to the new, competing company. Wision asserted that Hirschler's actions destroyed Fizza and breached its duties as counsel.

In 2016, on behalf of Wision, I filed a lawsuit in Maricopa County Superior Court against Hirschler and Mr. English, asserting claims for civil conspiracy, fraud, negligent misrepresentation, breach of fiduciary duty, and aiding and abetting tortious conduct. Hirschler removed the case to the federal district court and the parties engaged in discovery for two years. The parties exchanged over 30,000 pages of documents and engaged in significant third-party and expert discovery and depositions.

In May 2018, during mediation, the parties settled the lawsuit.

4. Legal significance:

This was an extremely rewarding case. I handled every facet of the case for our client. I drafted the complaint and discovery requests, reviewed all of the documents produced by the client and defendants, and defended or took every deposition (ten in all), including three depositions of the defendants' expert witnesses. The investment transactions underlying the lawsuit were extremely complex and the legal issues were too. The client and I were very happy with the settlement.

C. *AmTrust Bank v. Kyees*, Maricopa County Superior Court, CV2013-006632, Mohave County Superior Court, CV-2013-01215

1. Date of proceedings:

April 2013 to April 2015

2. Counsel:

Don P. Martin, Esq. (don.martin@quarles.com)  
Michael S. Catlett, Esq.

**Quarles & Brady LLP  
One Renaissance Square  
Two North Central Avenue  
Phoenix, AZ 85004  
(602)229-5200  
Counsel for Plaintiff/Counterdefendant AmTrust Bank**

**Craig Solomon Ganz, Esq. (ganzc@ballardspahr.com)  
Ballard Spahr LLP  
1 East Washington Street, Suite 2300  
Phoenix, AZ 85004  
(602)798-5427  
Counsel for Defendant/Counterclaimant Richard Kyees**

**3. Summary of substance:**

**This case involved a commercial loan on property near Lake Havasu. When the loan matured, the borrowers failed to pay over \$1 million still owing to our client, AmTrust Bank, on the loan. Amtrust sued the borrower and guarantors to collect. The guarantors filed a counterclaim against AmTrust for bad faith. To support that claim, the guarantors obtained a statement from a former bank employee, claiming AmTrust mishandled the loan.**

**AmTrust also sued the guarantors in Mohave County Superior Court to foreclose on other property pledged as security for the loan. The guarantors argued that AmTrust could not bring a claim against them in Mohave County and Maricopa County at the same time. After the Mohave County court rejected that argument, the Kyees also brought bad faith claims against AmTrust in Mohave County.**

**The parties conducted significant discovery relating to the guarantors' allegations of bad faith. In 2015, during mediation, the parties settled their claims and counterclaims on terms that are confidential.**

**4. Legal significance:**

**This case was particularly sensitive for my client because of the allegations made by the Bank's former employee, allegations that I investigated and analyzed closely to ensure that they had no merit. The case was also unique in terms of the scope and activity of the litigation and the amount of discovery taken by both sides in order to litigate the counterclaims. I presented oral argument on multiple occasions in both**



the Maricopa and Mohave County Superior Courts. I drafted motions and responses, discovery requests and responses, and mediation memoranda. I defended and took the depositions of eight witnesses.

**D. Franchisees v. Franchisor, American Arbitration Association**

The names of the parties and the case number are set forth in the Confidential Section of this Application.

**1. Date of proceedings:**

July 2015 to January 2017

**2. Counsel:**

Rick Meyer, Esq. (rmeyer@leonardmeyerllp.com)  
LeonardMeyer  
1800 Century Park East, Suite 1400  
Los Angeles, CA 90067  
(310)220-0331  
Counsel for Franchisees

Jeffrey H. Wolf, Esq. (jeffrey.wolf@quarles.com)  
Michael S. Catlett, Esq.  
Julia Wittman, Esq. (julia.wittman@quarles.com)  
Quarles & Brady LLP  
One Renaissance Square  
Two North Central Avenue  
Phoenix, AZ 85004  
(602)229-5200  
Counsel for Franchisor

**3. Summary of substance:**

The Franchisees in this case collectively acquired twelve franchise licenses from our client, the Franchisor. Eventually, the Franchisor terminated the franchise agreements for the twelve Franchisees, alleging they failed to follow the required schedule for opening their locations. Around the same time, the Franchisor made the decision to open corporate-owned stores, including in areas surrounding the Franchisees' pre-existing locations.

In January 2016, Franchisees filed an arbitration demand, which

included claims against Franchisor for breach of contract, breach of the implied covenant of good faith and fair dealing, fraud, and negligent misrepresentation. Franchisor responded with counterclaims against Franchisees and their individual owners for breach of contract.

The parties conducted significant written and deposition discovery. The discovery was particularly difficult given the number of the Franchisees involved and the broad scope of the issues raised in their arbitration demand. The parties conducted twelve depositions, most of which I took or defended.

In 2015, during mediation, the parties settled the claims on terms that are confidential.

**4. Legal significance:**

This case is representative of the complex commercial cases I handled in arbitration during my career. The claims, if successful, threatened our client with significant additional liability. The case was highly active in terms of the number of documents exchanged, the complexity of electronic discovery, the number and scope of depositions, and the efforts of counsel required to settle the case.

23. Have you represented clients in litigation in Federal or state trial courts?

**Yes**

If so, state:

The approximate number of cases in which you appeared before:

Federal Courts:	<b>90+</b>
State Courts of Record:	<b>200+</b>
Municipal/Justice Courts:	<b>2</b>

The approximate percentage of those cases which have been:

Civil:	<b>99%</b>
Criminal:	<b>1%</b>

The approximate number of those cases in which you were:

Sole Counsel:	<b>50</b>
Chief Counsel:	<b>90</b>
Associate Counsel:	<b>150 (includes co-counsel)</b>

The approximate percentage of those cases in which:

You wrote and filed a pre-trial, trial, or post-trial motion that wholly or partially disposed of the case (for example, a motion to dismiss, a motion for summary judgment, a motion for judgment as a matter of law, or a motion for new trial) or wrote a response to such a motion:	<b>40%</b>
You argued a motion described above	<b>20%</b>
You made a contested court appearance (other than as set forth in the above response)	<b>30%</b>
You negotiated a settlement:	<b>35%</b>
The court rendered judgment after trial:	<b>5%</b>
A jury rendered a verdict:	<b>2%</b>

The number of cases you have taken to trial:

Limited jurisdiction court	<b>0</b>
Superior court	<b>8*</b>
Federal district court	<b>1*</b>
Jury	<b>2</b>

**\* Includes fair market value hearings and evidentiary hearings on motions for temporary restraining orders and preliminary injunctions.**

24. Have you practiced in the Federal or state appellate courts? **Yes**

If so, state:

The approximate number of your appeals which have been:

Civil: **55**

Criminal: **2**

Other: **1**

The approximate number of matters in which you appeared:

As counsel of record on the brief: **55**

Personally in oral argument: **6**

25. Have you served as a judicial law clerk or staff attorney to a court? **Yes**

If so, identify the court, judge, and the dates of service and describe your role.

**From September 2006 to September 2007, I served as a judicial law clerk to the Hon. Paul J. Kelly, Jr., United States Court of Appeals for the Tenth Circuit. I assisted Judge Kelly in drafting and editing pre-argument memoranda, published and unpublished opinions, and concurrences and dissents. I also assisted Judge Kelly in reviewing and analyzing opinions drafted by the other judges on the Tenth Circuit. During my term with Judge Kelly, I assisted him on issues relating to criminal procedure, administrative law, double jeopardy, habeas corpus, employment law, and qualified immunity.**

**From December 2004 to January 2005, during my second year of law school, I was a temporary law clerk for the Hon. James A. Teilborg, United States District Court for the District of Arizona. I assisted Judge Teilborg in reviewing trial court briefs and drafting substantive orders in cases involving the First Amendment, ERISA, the Administrative Procedures Act, and federal jurisdiction. I performed similar work as a summer extern for Judge Teilborg from May 2004 to August 2004.**

26. List at least three but no more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts that were not negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the judge or officer before whom the case was heard; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

**A. Arizona Attorneys For Criminal Justice, et al. v. Brnovich, et al., 20-16293**

**1. Date of proceedings:**

**2017 - Present**

**2. Name of court and judge:**

**United States District Court for the District of Arizona, the Hon. Steven P. Logan**

**United States Court of Appeals for the Ninth Circuit, Judges Michael R. Murphy, Richard A. Paez, and Mark J. Bennett**

**3. Counsel:**

**Kathleen E. Brody, Esq. (kathy@mscclaw.com)  
Mitchell Stein Carey Chapman PC  
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**Counsel for Defendants Attorney General Mark Brnovich and Col.  
Heston Silbert**

**4. Summary of substance:**

In 1990, Arizona voters amended the Arizona Constitution to include a Victims' Bill of Rights ("VBR"). The VBR provides crime victims with the right to refuse an interview, deposition, or other discovery request by the criminal defendants or the criminal defendant's counsel. In 1991, the Arizona Legislature enacted the Crime-Victims' Rights Implementation Act, which provides that a criminal defendant, the defendant's attorney, or an agent of the defendant shall initiate contact with a crime victim through the prosecutor's office.

In 2017, the Arizona Attorneys for Criminal Justice and others brought a lawsuit in federal court against Governor Ducey and Attorney General Brnovich, claiming that the victim contact restriction violates the First Amendment free speech rights of criminal defense lawyers and investigators.

Plaintiffs later dismissed Governor Ducey and instead sued the head of the Arizona Department of Public Safety, Col. Heston Silbert, and Chief Bar Counsel. Judge Logan repeatedly dismissed the Plaintiffs' complaints for lack of standing, concluding that Attorney General Brnovich is not tasked with enforcement of the victim contact restriction and that a judgment against Col. Silbert will not redress Plaintiffs' alleged injuries because state court judges overseeing criminal proceedings would still be free to enforce the restriction. Plaintiffs appealed to the Ninth Circuit.

After Plaintiffs appealed, I took over as counsel of record for Attorney General Brnovich. I had primary responsibility for drafting and editing the answering brief for Attorney General Brnovich and Col. Silbert. On July 6, 2021, I presented oral argument to the Ninth Circuit Court of Appeals on behalf of Attorney General Brnovich and Col. Silbert. The Court of Appeals has not yet issued its ruling.

5. Legal significance:

This case is an example of the appellate matters I handle at the Arizona Attorney General's Office. The victim contact restriction is an important component of the VBR and the appeal presents important issues regarding constitutional standing and the ability of federal courts to interfere with ongoing state court criminal proceedings.

B. *National Collegiate Athletic Association v. Alston et al.*, No. 20-512

1. Date of proceedings:

2020 – 2021

2. Name of court and judge:

United States Supreme Court

3. Counsel:

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**Counsel for State of Arizona**

**4. Summary of substance:**

**The issue in this case was whether the NCAA violated federal antitrust laws by restricting certain collegiate athletes from receiving non-cash compensation for academic-related purposes, such as computers and internships. Both the federal trial court and the Ninth Circuit concluded that the NCAA's restrictions were subject to full review under the federal antitrust laws and that the restrictions violated the antitrust laws. After the U.S. Supreme Court granted review, I drafted a brief on behalf of the State of Arizona and seven other states, arguing that the NCAA regulations should be subject to full review under the federal antitrust laws. On June 21, 2021, the U.S. Supreme Court issued a unanimous opinion agreeing that the NCAA's restrictions on non-cash compensation are subject to full review under the antitrust laws and holding that those restrictions violated the antitrust laws.**

**5. Legal significance:**



The brief I drafted in this case is an example of how I have applied my complex commercial background to appellate issues at the Attorney General's Office. Justice Gorsuch's opinion for a unanimous Supreme Court, agreeing with our arguments, establishes several important principles about the proper balance between antitrust review and judicial deference to reasoned business decisions.

C. **Fontes v. State of Arizona et al., CV2020-011845**

1. Date of proceedings:

September 2020 – October 2020

2. Name of court and judge:

Maricopa County Superior Court, the Hon. Randall Warner

3. Counsel:

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4. Summary of substance:

In the months leading up to the 2020 election, Secretary Hobbs and Recorder Fontes issued procedures allowing certain individuals to vote using videoconferencing technology. After the Yuma County Recorder raised concerns about the new procedures, Governor Ducey wrote to Secretary Hobbs expressing concern that the new procedures were inconsistent with Arizona election law. Secretary Hobbs responded that the procedures were legal. Governor Ducey eventually wrote to Attorney General Brnovich asking the Attorney General's Office to look into the matter. Just two days later, Recorder Fontes filed a lawsuit against the State of Arizona and Secretary Hobbs, asking the Court to declare his new video-voting procedures legal. The State counterclaimed against Recorder Fontes for a declaration that the procedures as written were inconsistent with Arizona election law and an injunction stopping Recorder Fontes from further implementing the procedures. After oral argument, the Court denied Recorder Fontes' request to declare the procedures legal. The Court instead held that Recorder Fontes was not free to use video voting whenever he wanted or for any voter who asked; instead, video voting could only be used when absolutely necessary under federal law to accommodate a voter's disability.

5. Legal significance:

This is a good example of the election integrity matters I handled leading up to the 2020 election. I took the lead on drafting all filings submitted on behalf of the State and presented oral argument on the State's request for declaratory and injunctive relief.

D. *O'Connor/Rumann v. Phoenix School of Law, et al., 2:13-CV-01107-PHX-SRB*

1. Date of proceedings:

May 2013 - June 2017

2. Name of court and judge:

United States District Court for the District of Arizona, the Hon. Susan Bolton; United States Court of Appeals for the Ninth Circuit., the Hon. A.

**Wallace Tashima, the Hon. William A. Fletcher, the Hon. Stanley A. Bastian;  
Maricopa County Superior Court, the Hon. David K. Udall**

**3. Counsel:**

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Counsel for Defendant Phoenix School of Law**

**4. Summary of substance:**

**This case arose from the termination of Michael O'Connor's and Celia Rumann's (collectively, "Plaintiffs") employment as tenured professors at Phoenix School of Law ("PSL") (now Arizona Summit Law School). Plaintiffs sued PSL in federal district court for breach of contract and breach of the implied covenant of good faith and fair dealing. PSL moved to dismiss, arguing that it had complied with the Faculty Handbook. PSL argued that Plaintiffs had rejected its contractual offers and made counteroffers that PSL was not required to accept. The district court agreed and dismissed Plaintiffs' claims. Plaintiffs then amended their complaints, PSL again moved to dismiss, and the Court again dismissed Plaintiffs' claims. The Court awarded PSL its attorneys' fees and costs. I took the lead in drafting each of the motions and responses for PSL.**

**Plaintiffs appealed the District Court's rulings to the Ninth Circuit, which remanded the case to the District Court for jurisdictional discovery. As a result, Plaintiffs initiated a new lawsuit against one of PSL's parent companies in Maricopa County Superior Court. I drafted a motion to stay that case pending resolution of the Ninth Circuit appeal, which was granted. On the jurisdictional issue, I handled written discovery responses, depositions, and motions relating to whether the District Court still had jurisdiction when it**

issued its dismissal ruling. The District Court ultimately ruled in PSL's favor on the jurisdictional issue and the case returned on appeal to the Ninth Circuit, which entered a written ruling affirming the district court's dismissal and attorneys' fees orders.

5. Legal significance:

The District Court and Ninth Circuit's rulings established important contract principles for the relationship between private universities and tenured professors. The appellate issues were particularly complicated because of the jurisdictional issues that arose during merits briefing, which required the case to take two trips to the Ninth Circuit. Moreover, during jurisdictional discovery on remand, Plaintiffs filed a parallel action in state court, which required me to research and brief the unique issue of whether a state court should postpone proceedings to await the outcome of the federal appeal.

E. *Ranieri v. AdvoCare International, L.P., et al.*, 3:17-CV-0691-S

1. Date of proceedings:

March 2017 – May 2020

2. Name of court and judge:

United States District Court for the Northern District of Texas, the Hon. Karen Gren Scholer

3. Counsel:

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Counsel for Individual Distributor Defendants

4. **Summary of substance:**

AdvoCare International, L.P. ("AdvoCare") is a company that distributes health and nutrition products through a multi-level-marketing business model. The Individual Distributor Defendants, who my partners and I represented in the litigation, were high-ranking AdvoCare distributors. The named plaintiffs were former AdvoCare distributors.

In March 2017, the named plaintiffs brought an action in federal court in the Northern District of Texas against AdvoCare and the Individual Distributor Defendants alleging that AdvoCare is operating as a pyramid scheme. The named plaintiffs asserted claims against AdvoCare and the Individual Distributor Defendants for civil racketeering, conspiracy to commit civil racketeering, and for a declaratory judgment that AdvoCare's arbitration provision is unenforceable. The named plaintiffs sought certification of a nationwide class of distributors who lost money participating in AdvoCare's multi-level-marketing business opportunity.

AdvoCare and the Individual Distributor Defendants moved to dismiss the named plaintiffs' complaint in full. I oversaw briefing and argued the motion on behalf of the Individual Distributor Defendants. The federal district court agreed with our clients' arguments and dismissed the claims against them in full with prejudice. The court held that the named plaintiffs had not adequately alleged several elements of their civil racketeering and conspiracy claims against the Individual Distributor Defendants. The named plaintiffs' claims against AdvoCare continue to be litigated.

**5. Legal significance:**

**This case is an example of my national class-action defense practice prior to joining the Attorney General's Office. The court's opinion established important principles regarding the standard for pleading federal racketeering and conspiracy claims against individuals. The district court's decision also contains an important discussion of requirements for pleading the existence of a civil RICO conspiracy.**

27. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

**I served as a *judge pro tem* for the Maricopa County Superior Court from 2013 to 2014.**

28. List at least three but no more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

**While I served as a *judge pro tem*, I handled three settlement conferences. Each of the cases involved a car collision where the primary issue was the amount of damages the plaintiff had suffered. I successfully negotiated a settlement in each case. Two of the cases settled outright and, in the third, the parties agreed to have the plaintiff's damages claims heard by an arbitrator, rather than a jury.**

29. Describe any additional professional experience you would like to bring to the Commission's attention.

Often at large law firms, it can be difficult for young lawyers to gain hands-on experience, but I was very fortunate to have partners and clients who trusted me early in my career to take primary responsibility for briefing and argument in my cases. As a result, I quickly gained extensive, hands-on experience as a complex commercial litigator. And I have had the honor of handling complex and important cases at the Attorney General's Office. During my career, I have had primary responsibility for over 150 commercial litigation matters. I have argued more than 80 motions in state and federal court. I have taken and defended between 150 and 200 depositions. I have negotiated settlement or obtained dismissal in more than 100 cases. And I have drafted briefs in more than 50 appeals and special actions.

I was also involved in Firm administration and committees. At Quarles & Brady, I was the national chair of the professional malpractice subgroup. I also assisted in handling loss prevention matters by defending claims filed against Quarles & Brady and responding to third-party subpoenas served on the Firm.

I have also taken an active role in mentoring younger lawyers at Quarles & Brady and the Attorney General's Office, both formally and informally. At the Attorney General's Office, I supervise six attorneys and several staff. I am also active in managing the internship program at the Solicitor General's Office. At Quarles & Brady, I served as a Supervising Partner, providing feedback to assigned associates, participating in annual reviews, and assisting with work flow. For five years, I mentored summer associates, providing constructive feedback on written memoranda and advising the Firm whether a full-time offer should be extended.

**BUSINESS AND FINANCIAL INFORMATION**

30. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question 14?

**Yes**

If so, give details, including dates.

**From 2002 to 2003, I worked as a Risk Analyst in the internal audit department at Bank One Corporation (now JPMorgan Chase Bank). As a Risk Analyst, I worked with several of the Bank's consumer finance departments around the country to analyze whether each department was complying with internal and external risk management procedures. I would then draft the Audit Department's findings, which would then be shared with the head of the department being audited and with senior Bank One management.**

31. Are you now an officer, director, majority stockholder, managing member, or otherwise engaged in the management of any business enterprise?

**No**

Do you intend to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed?

**Not applicable**

32. Have you filed your state and federal income tax returns for all years you were legally required to file them?

**Yes**

33. Have you paid all state, federal and local taxes when due?

**Yes**



34. Are there currently any judgments or tax liens outstanding against you?

**No**

35. Have you ever violated a court order addressing your personal conduct, such as orders of protection, or for payment of child or spousal support?

**No**

36. Have you ever been a party to a lawsuit, including an administrative agency matter but excluding divorce?

**No**

37. Have you ever filed for bankruptcy protection on your own behalf or for an organization in which you held a majority ownership interest?

**No**

38. Do you have any financial interests including investments, which might conflict with the performance of your judicial duties?

**No**

**CONDUCT AND ETHICS**

39. Have you ever been terminated, asked to resign, expelled, or suspended from employment or any post-secondary school or course of learning due to allegations of dishonesty, plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity?

**No**

40. Have you ever been arrested for, charged with, and/or convicted of any felony, misdemeanor, or Uniform Code of Military Justice violation?

**Yes**

If so, identify the nature of the offense, the court, the presiding judicial officer, and the ultimate disposition.

**In February 2001 (three months prior to my twenty-first birthday), the Arizona State University Police Department issued me a ticket for simple possession of alcohol as a minor. I appeared before the Hon. John Ore, Justice of the Peace for Tempe and pled guilty. I was ordered to pay a fine of approximately \$200.00, which I paid immediately.**

41. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain.

**Not applicable**

42. List and describe any matter (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) in which you were accused of wrongdoing concerning your law practice.

**Not applicable**

43. List and describe any litigation initiated against you based on allegations of misconduct other than any listed in your answer to question 42.

**Not applicable**

44. List and describe any sanctions imposed upon you by any court.

**Not applicable**

45. Have you received a notice of formal charges, cautionary letter, private admonition, referral to a diversionary program, or any other conditional sanction from the Commission on Judicial Conduct, the State Bar, or any other disciplinary body in any jurisdiction?

**Not applicable**

46. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by federal or state law?

**No**

47. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended, terminated or asked to resign by an employer, regulatory or investigative agency?

**No**

48. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs?

**No**

49. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings?

**No**

**PROFESSIONAL AND PUBLIC SERVICE**

50. Have you published or posted any legal or non-legal books or articles?

**Yes**

If so, list with the citations and dates.

**Clearly Not Established: Decisional Law and the Qualified Immunity Doctrine, 47 Ariz. L. Rev. 1031 (2005).**

**Arizona Attorneys' Fees Manual, Chapter Nine, Recovery of Costs and Fees for Non-Lawyer Services (2014).**

**Arizona Attorneys' Fees Manual, Chapter Nine, Recovery of Costs and Fees for Non-Lawyer Services (2017).**

51. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

**Yes**

52. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars?

**Yes**

If so, describe.

**In 2017, I taught a course to Quarles & Brady's commercial litigation associates about summary judgment motions.**

**In November 2018, I was the primary speaker at a program entitled "How to Tell Lawyers No," which took place in Atlanta, Georgia at the national meeting of the American Institute of Certified Public Accountants.**

53. List memberships and activities in professional organizations, including offices held and dates.

**Maricopa County Bar Association, Member, 2010 to 2020.**

**American Bar Association, Member, 2010 to 2020.**

**The Federalist Society for the Study of Law and Public Policy, Member, 2005 to 2007 and 2016 to Current.**

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar?

**Yes. From 2013 to 2016, I was a member of the Arizona State Bar Committee on the Rules of Civil Practice and Procedure. As a member of the Committee, I assisted in drafting petitions to amend the Rules of Civil Procedure and the State Bar's comments to petitions for changes to the Civil Rules filed by members of the Bar and the public. I served on several sub-committees, including a sub-committee charged with drafting a proposed amendment to Rule 55 on default judgments and a sub-committee on re-styling several of the Rules.**

**In 2014, I served on the Arizona Supreme Court's Committee on Superior Court Records Retention Schedule Revision. As a member of the Committee, I assisted in creating and drafting the Committee's recommendation to the Arizona Judicial Council on a revised schedule for the retention of Superior Court records.**

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

**For a number of years while in private practice, I provided reduced rate and pro bono legal services to the Arizona Chapter Paralyzed Veterans of America.**

**I have also volunteered at the United States District Court's self-represented litigant clinic. This involved spending two to three hours providing free legal advice to indigent individuals who represented themselves in civil actions pending in federal court. I also recruited other lawyers at Quarles & Brady to donate time to the clinic.**

**I have participated in the Ninth Circuit Court of Appeals' pro bono program. I represented an indigent individual who was detained pending deportation. My client was seeking a new asylum hearing based on the malpractice of his prior counsel. I briefed the issues and argued at the Ninth Circuit, which found in my client's favor.**

**From time to time, I supervised associates at Quarles & Brady on pro bono legal matters.**

54. Describe the nature and dates of any relevant community or public service you have performed.

**Since 2017, I have been involved with the Madison Simis Elementary School's Dad's Club. The Dad's Club organizes community events, such as a movie night in the fall, and raises money for the Madison Simis Elementary School parent/teacher organization.**

**I have volunteered with the Recreation Association of Madison Meadows and Simis (RAMMS) to coach a co-ed Kindergarten basketball team.**

**I have volunteered with the Boy Scouts of America, Pack 329.**

**On occasion over the last several years, I have volunteered with Recreation and Athletics for Individuals with Disabilities ("RAD"), an organization that raises money to help individuals with special needs participate in recreational activities. My wife and I have assisted RAD in raising funds and financially sponsored a winter movie night for several years.**

I have previously volunteered for the Adopt a Classroom program at the Capitol Elementary School. I planned events for our assigned classroom throughout the school year.

I have also volunteered on occasion to help political campaigns. For example, in 2018, I was a member of the Young Professionals for Martha McSally Committee and organized a fundraising event with other members. I also volunteered on John McCain's 2008 presidential campaign by pre-drafting court filings to be used to address legal issues that could have arisen on Election Day.

55. List any relevant professional or civic honors, prizes, awards or other forms of recognition you have received.

**See Question 11 for honors, prizes, and awards received in law school and college.**

**I was listed as a "Rising Star" in Business Litigation by Southwest Super Lawyers Magazine every year from 2014 to 2020.**

56. List any elected or appointed public offices you have held and/or for which you have been a candidate, and the dates.

**Not applicable**

Have you ever been removed or resigned from office before your term expired?

**Not applicable**

Have you voted in all general elections held during the last 10 years?

**Yes**

57. Describe any interests outside the practice of law that you would like to bring to the Commission's attention.

**I spend the majority of my time outside the practice of law with my wife, Jessica, and our two children, Ben (10) and Maddie (7). We enjoy spending family time traveling, riding bikes to neighborhood restaurants, and relaxing with friends. A significant amount of my time is spent cheering on my kids at youth soccer, basketball, and softball practices and games. In my free time, I enjoy reading, watching college sports (particularly football), and cooking and grilling for friends and family.**

**HEALTH**

58. Are you physically and mentally able to perform the essential duties of a judge with or without a reasonable accommodation in the court for which you are applying?

**Yes**

**ADDITIONAL INFORMATION**

59. The Arizona Constitution requires the Commission to consider the diversity of the state's population in making its nominations. Provide any information about yourself (your heritage, background, life experiences, etc.) that may be relevant to this consideration.

**I am an Arizona native and grew up in North Phoenix. My father was a Phoenix police officer and my mother was a preschool teacher. I was very fortunate to have parents who instilled in me and my two younger brothers the value of hard work and respect for others.**

**I am a product of the Arizona public school system. I attended Palomino Elementary School, Greenway Middle School, North Canyon High School, Paradise Valley Community College, Arizona State University, and the University of Arizona. I am a proud alumnus of each. One of the tremendous benefits of my public school education is that my friends and their families came from all walks of life.**

**My father-in-law immigrated to the United States from China with his family when he was seven years old. I have listened in awe to the stories that he and his five siblings tell about the risks their parents took to start a new life in the United States and to provide their children with all of the opportunities our great country provides.**

**My brother-in-law is an individual with special needs. Through him, I have gotten to know other members of the special needs community. Some of the individuals I have met overcome more in an ordinary day than I will in a lifetime. And yet they live each day with poise and grace, a positive attitude, and with no judgment of others.**

**My upbringing as well as my experiences and relationships as an adult have instilled in me the values of hard work, humility, and respect for others. As a judge, I will bring those same values to the decision-making process and will apply the law equally regardless of age, race, sex, religion, politics, ability, or socioeconomic status.**

60. Provide any additional information relative to your qualifications you would like to bring to the Commission's attention.

**In addition to having a legal background that has prepared me for the role of an appellate judge, I also have the right temperament. The decisions judges make have a tremendous impact on those appearing before them and the broader community. If the public ever begins to doubt that judges deciding their cases are open-minded, well-prepared, and respectful, it will undermine the confidence in our judiciary and the rule of law. As a judge, I will listen and keep an open mind until all parties have had a chance to fully state their positions. I believe that appellate judges should be pragmatic and logical and should communicate their decisions in a manner that is understandable to the parties appearing before them, the lower courts, and the Bar. I look forward to the opportunity to use the skills I developed during my years in private practice and at the Attorney General's Office to further serve the people of Arizona as an appellate judge.**

61. If selected for this position, do you intend to serve a full term and would you accept rotation to benches outside your areas of practice or interest and accept assignment to any court location?

**Yes**



62. Attach a brief statement explaining why you are seeking this position.

**See Exhibit A**

63. Attach two professional writing samples, which you personally drafted (e.g., brief or motion). **Each writing sample should be no more than five pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing samples. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

**See Exhibit B.**

**This first writing sample is from a brief filed on behalf of the State of Arizona and seven other states in the U.S. Supreme Court in *NCAA v. Alston*. The U.S. Supreme Court unanimously agreed with our position that the NCAA is subject to full review under the federal antitrust laws.**

**See Exhibit C.**

**This second writing sample is from a brief filed on behalf of the State of Arizona and twenty-three other states in *Association of New Jersey Rifle & Pistol Clubs Inc. v. Grewal* in the U.S. Supreme Court. The excerpted portion of the brief discusses the Second Amendment standard for bans on arms commonly used by law-abiding citizens. The case is currently pending review by the U.S. Supreme Court.**

64. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than three written orders, findings or opinions (whether reported or not) which you personally drafted. **Each writing sample should be no more than ten pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public on the commission's website.

**Not applicable**

65. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last three performance reviews.

**Not applicable**

Exhibit A

Statement of Interest

## Statement of Interest

I still remember the moment I first became interested in pursuing a judicial career. Early in my first year of law school, the Arizona Court of Appeals held oral argument on campus and I attended. I had never seen an appellate argument before. I was captivated by the interaction between counsel and the court and was struck by how smart, insightful, and well prepared the judges were.

I later had two fantastic judicial mentors—Judge James A. Teilborg and Judge Paul J. Kelly, Jr. The opportunity to work closely with them confirmed my interest in eventually pursuing a judicial position. During my first summer in law school, I externed for Judge Teilborg on the federal district court here in Arizona, and he invited me back to serve as a temporary law clerk during my second year of law school. I learned a tremendous amount from Judge Teilborg and his staff in a short period of time. Judge Teilborg treats all counsel and parties with respect and patience, and he applies the law as written in an equal and consistent manner.

After law school, I clerked for Judge Kelly on the U.S. Court of Appeals for the Tenth Circuit. Judge Kelly takes a pragmatic and common sense approach to judging. He emphasized that our draft opinions should be written to be understandable to non-lawyers, particularly the parties in the case. Judge Kelly is smart and decisive and is a fantastic mentor to young lawyers. If selected to serve, I will strive to exercise the same traits as Judge Teilborg and Judge Kelly.

After clerking, I practiced complex commercial litigation for thirteen years at Osborn Maledon and Quarles & Brady, where I was a partner for six years. Private practice allowed me to experience many different areas of commercial law and quickly gain hands-on experience, while learning from some of the best and brightest lawyers in Arizona. While I enjoyed working on complex issues and each day brought unique challenges, public service eventually called.

In May 2020, I was very fortunate to have the opportunity to join the Attorney General's Office. My colleagues at the Attorney General's

Office are all dedicated, hard-working, and professional. The work we handle in the Solicitor General's Office is extremely diverse and interesting. I have had the opportunity to work on some of the highest-profile cases in Arizona and have learned an immense amount about new areas of law. My time at the Attorney General's Office has fortified my interest in continuing to serve Arizona as an appellate judge.

Not only has my career in private practice and government prepared me to handle the important work of an appellate judge, I believe I also possess the intangible qualities needed. I appreciate that the appellate process requires collaboration and collegiality, and I will work well with my colleagues. I understand that, as a judge on an intermediate appellate court, I would be bound to apply precedent shaped by other judges. I am patient, respectful, even-tempered, but decisive. I have the modesty to be open to the views of others and the confidence to respectfully express disagreement.

I also understand and respect the role of the Judiciary and the separation of powers—a foundational principle protecting our individual liberties. While judges make difficult decisions arising in particular cases, it is not their role to make broader policy or to solve society's problems. Judges should not make decisions based on their social preferences or personal views; instead, they should apply the governing constitution and laws as written by the People through the democratically elected branches of government. In fact, judges wear black robes to symbolize that they are not individuals promoting their own views.

I was born in Arizona and have lived here nearly all of my life. I love this State and am grateful for all of the opportunities it has provided me. While I am the first and only in my family to attend law school, I am not the first to seek a life of public service. My father was a Phoenix police officer and my mother was a public school teacher. My grandfathers served in the armed forces. In 2001, my younger brother enlisted in the Army and has served our country since, including in Iraq and Afghanistan. I too hope to be able to spend the rest of my

professional career serving the people of Arizona. I believe I can most effectively do so as a judge on the Arizona Court of Appeals.

Thank you for your consideration.

# Exhibit B

Writing Sample

*NCAA v. Alston*

**In the  
Supreme Court of the United States**

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,  
*Petitioner,*

v.

SHAWNE ALSTON, ET AL.,  
*Respondents.*

AMERICAN ATHLETIC CONFERENCE, ET AL.,  
*Petitioners,*

v.

SHAWNE ALSTON, ET AL.,  
*Respondents.*

*On Writs of Certiorari to  
the United States Court of Appeals for the Ninth Circuit*

**BRIEF OF ARIZONA, COLORADO, DELA-  
WARE, ILLINOIS, MINNESOTA, NEW YORK,  
OREGON, AND PENNSYLVANIA AS AMICI  
CURIAE SUPPORTING RESPONDENTS**

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justify continued anti-competitive restraints on the athletes who create their wealth.

## ARGUMENT

### I. PETITIONERS' RESTRAINTS SHOULD BE SUBJECT TO FULL RULE OF REASON REVIEW.

#### A. This Court's Precedents Establish Rule of Reason as the Correct Standard in Most Cases.

Section 1 of the Sherman Act forbids “[e]very contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States.” 15 U.S.C. § 1. Based on the common law in existence when the Sherman Act was passed, the Court has long interpreted § 1 to “to outlaw only unreasonable restraints.” *State Oil Co. v. Khan*, 522 U.S. 3, 10 (1997). Restraints can be unreasonable in one of two ways. A small number of restraints—horizontal agreements between competitors being one example—are *per se* unreasonable because they “always or almost always tend to restrict competition and decrease output.” *Bus. Elecs. Corp. v. Sharp Elecs. Corp.*, 485 U.S. 717, 723 (1988). “Restraints that are not unreasonable *per se* are judged under the ‘rule of reason.’” *Ohio v. Am. Express Co.*, 138 S. Ct. 2274, 2284 (2018).

“The rule of reason is the accepted standard for testing whether a practice restrains trade in violation of § 1.” *Leegin Creative Leather Prods. Inc. v. PSKS, Inc.*, 551 U.S. 877, 885 (2007). Application of the rule of reason in the mine run of antitrust cases recognizes that “[l]egal presumptions that rest on formalistic distinctions rather than actual market realities are



generally disfavored in antitrust law.” *Eastman Kodak Co. v. Image Tech. Servs., Inc.*, 504 U.S. 451, 466-467 (1992). “In its design and function the rule distinguishes between restraints with anticompetitive effect that are harmful to the consumer and restraints stimulating competition that are in the consumer’s best interest.” *Leegin*, 551 U.S. at 886.

To apply the rule of reason, “the factfinder weighs all of the circumstances of a case in deciding whether a restrictive practice should be prohibited as imposing an unreasonable restraint on competition.” *Cont’l T.V., Inc. v. GTE Sylvania Inc.*, 433 U.S. 36, 49 (1977). The rule of reason takes account of “specific information about the relevant business” and “the restraint’s history, nature, and effect.” *Khan*, 522 U.S. at 10. At step one of the rule of reason, “the plaintiff has the initial burden to prove that the challenged restraint has a substantial anticompetitive effect that harms consumers in the relevant market.” *Ohio*, 138 S. Ct. at 2284. At step two, “the burden shifts to the defendant to show a procompetitive rationale for the restraint.” *Id.* And, at step three, “the burden shifts back to the plaintiff to demonstrate that the procompetitive efficiencies could be reasonably achieved through less anticompetitive means.” *Id.*

Petitioners’ restraints here are horizontal restraints among competitors on the amount of benefits to be provided certain student athletes for their athletic prowess. As horizontal restraints among competitors, those restraints would ordinarily be *per se* violations of the Sherman Act. *See Bus. Elecs. Corp.*, 485 U.S. at 723. The district court and the Ninth Circuit, however, applied traditional rule of reason review to those restraints, recognizing that the unique nature of

college athletics may occasionally require horizontal restraints on competition. See *In re NCAA Grant-In-Aid Cap Antitrust Litig.*, 958 F.3d 1239, 1256-1263 (9th Cir. 2020); *In re NCAA Athletic Grant-In-Aid Cap Antitrust Litig.*, 375 F. Supp. 3d 1058, 1097-1109 (N.D. Cal. 2019). Applying the rule of reason, the Ninth Circuit concluded that Petitioners' restraints are unreasonably anti-competitive. 958 F.3d at 1252.

**B. The Argument that “Quick Look” Rule of Reason Applies Here is Unsupported.**

Petitioners fault the district court and Ninth Circuit for applying the rule of reason. They argue that the lower courts should have gone further and presumed Respondents' restraints to be legal because those restraints are justified by “amateurism.” Although unclear exactly what standard Petitioners would ultimately have the Court apply, it is clear they ask the Court to hold that any restraint they characterize as “furthering amateurism” is virtually exempt from antitrust scrutiny. The Court should reject Petitioners' request for a pass under the Sherman Act through the mere invocation of “amateurism.” The cases Petitioners rely upon do not support the existence of the exception they seek, and neither do scores of decisions from this Court and lower courts addressing antitrust review of sports leagues, institutions of higher education, and joint ventures.

1. *NCAA v. Board of Regents*, the primary case Respondents rely upon and the only instance when the Court has considered the merits of an NCAA restraint, supports the conclusion that rule-of-reason applies here. That case was about college football television rights, not college athlete benefits. The Court

considered the legality of a horizontal restraint on the ability of individual member schools to allow television broadcasts of college football games. *See* 468 U.S. 85, 91-94 (1984). The NCAA attempted to justify the restraint based on “the adverse effects of live television upon football game attendance.” *Id.* at 91. Both the district court and the Tenth Circuit concluded that the restraint was *per se* illegal under § 1. *See Bd. of Regents v. NCAA*, 546 F. Supp. 1276, 1311 (W.D. Okla. 1982) (“The television controls of NCAA are *per se* violations of s 1 of the Sherman Act.”); *Bd. of Regents v. NCAA*, 707 F.2d 1147, 1156 (10th Cir. 1983) (“We affirm the district court’s ruling that the television plan constitutes *per se* illegal price fixing.”).

The Court affirmed, although it did so “under the Rule of Reason.” *See Bd. of Regents*, 468 U.S. at 103; *see also id.* at 100 (“[W]e have decided that it would be inappropriate to apply a *per se* rule to this case.”). At step one of the rule of reason, the Court concluded that the NCAA “does possess market power” and the television plan “restrains price and output”—thus “many telecasts that would occur in a competitive market are foreclosed by the NCAA’s plan.” *Id.* at 104-111. At step two, the Court rejected the NCAA’s proffered pro-competitive justifications based on the district court’s factual finding that the television plan would decrease output and increase price. *Id.* at 114-115. Finally, the Court explained that the television plan was not “related to any neutral standard” or “tailored to serve such an interest” in maintaining a competitive balance between schools. *Id.* at 117-119.

Petitioners selectively quote portions of Justice Stevens’ majority opinion to support entitlement to a presumption of legality. Specifically, Petitioners make

much of the Court’s statement in response to the NCAA’s necessity argument at step three that “[i]t is reasonable to assume that most of the regulatory controls of the NCAA are justifiable means of fostering competition among amateur athletic teams and therefore procompetitive because they enhance public interest in intercollegiate athletics.” *Id.* at 117.

That statement, and others like it in *Board of Regents* (a case the NCAA lost), do not support that Petitioners are entitled to lax antitrust review. To begin, it would have been exceedingly odd for the Court to establish a presumption of *legality* in a case addressing whether the NCAA was subject to a presumption of *illegality*. But that is not what the Court did. Rather, the statements Petitioners cite are best understood in proper context as reasons why the Court decided that the NCAA is subject to traditional rule of reason review, not *per se* illegality, even as to ordinarily illegal horizontal restraints on competition.

This is evident from the Court’s statement that “despite the fact that this case involves restraints on the ability of member institutions to compete in terms of price and output, a fair evaluation of their competitive character requires consideration of the NCAA’s justifications for the restraints.” *See id.* at 103. It is also clear from the fact that the Court included the passage Petitioners primarily seize upon only to explain “[o]ur decision not to apply a per se rule[.]” *See id.* at 117. Similarly, the “twinkling of an eye” language that Petitioners seize upon, and that the Court later repeated in *American Needle*, was referencing a federal court’s ability to recognize an *illegal* “domestic selling arrangement” in the “twinkling of an eye” and “[e]ven without a trial.” *See id.* at 109 n.39. So, at

bottom, *Board of Regents* merely establishes that, in all cases, the NCAA gets an opportunity to justify its restraints.

If *Board of Regents* supports truncated review, it is in the opposite direction as that Petitioners urge. In other words, certain restraints on competition are so obviously anti-competitive that the rule of reason can be conducted in a truncated fashion. *See id.* After all, the Court's analysis in *Board of Regents* turned largely on the district court's factual findings, including primarily the district court's finding that the restraint would reduce output and increase price. *See id.* at 104-120; *see also* Lawrence A. Sullivan, *The Viability of the Current Law on Horizontal Restraints*, 75 Cal. L. Rev. 835, 854 (1987) ("NCAA, then, did not break new ideological ground. In terms of the central meaning of antitrust, it reaffirmed traditions long established, but newly under attack. What is distinctive in the opinion is its teaching that where competitive processes suffer blatant and significant injury—in this instance, by coercion—rule of reason analysis can be completed with dispatch.").

2. The Court's decision in *American Needle, Inc. v. National Football League*, supports Respondents, *not* Petitioners. There, the Court considered a request for what amounted to antitrust immunity from National Football League Properties ("NFLP"), a joint venture between the National Football League ("NFL") and its 32 separately-owned professional football teams "to develop, license, and market their intellectual property." 560 U.S. 183, 186-187 (2010). NFLP argued that it was categorically beyond the reach of § 1 because it is a single entity (*i.e.*, the Court should disregard the separate existence of the NFL and its 32

Exhibit C

Writing Sample

*ANJRPC v. Grewal*

No. 20-1507

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**In the  
Supreme Court of the United States**

ASSOCIATION OF NEW JERSEY RIFLE &  
PISTOL CLUBS, INC.; and BLAKE ELLMAN,  
*Petitioners,*

v.

GURBIR S. GREWAL, in his Official Capacity as  
Attorney General of New Jersey, et al.,  
*Respondents.*

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*On Petition for Writ of Certiorari to the United States  
Court of Appeals for the Third Circuit*

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**BRIEF OF ARIZONA, LOUISIANA, AND  
TWENTY-TWO OTHER STATES AS *AMICI  
CURIAE* IN SUPPORT OF PETITIONERS**

---

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## SUMMARY OF ARGUMENT

The Amici States urge the Court to grant certiorari and reverse the Third Circuit's decision that New Jersey's ban of the Affected Magazines does not violate the Second Amendment—a decision that conflicts with this Court's opinions in *Heller*, *McDonald*, and *Caetano*.

In *Heller*, this Court rejected a balancing approach to determine the constitutionality on an outright ban of firearms protected under the Second Amendment. Instead, the Court held that a ban on firearms protected under the Second Amendment was unconstitutional without utilizing any balancing framework. Under *Heller*'s guidance, courts should therefore ask only whether government has *banned arms commonly used by law abiding citizens for lawful purposes*. If so (as in *Heller*, *McDonald*, and *Caetano*), the government has violated the Second Amendment.

The Third Circuit was wrong to apply a “severity of burden and interest balancing test,” especially given that the government here imposed a categorical ban on the Affected Magazines. Using a balancing approach—like strict scrutiny or intermediate scrutiny—on a ban on arms commonly used by law abiding citizens for lawful purposes is inconsistent with this Court's precedent. Moreover, application of a balancing approach to a ban on protected firearms has understandably been the subject of immense criticism from at least four Justices and numerous court of appeals judges. Application of a balancing test to a categorical ban on protected firearms also reduces clarity in the law and promotes subjectivity.



The enumerated right to bear arms reflected in the Second Amendment is fundamental and predates the Bill of Rights. The right is important to millions of Americans, including many citizens living in disadvantaged communities. The arms at issue in these proceedings are commonly used by millions of law-abiding citizens for a myriad of lawful purposes. New Jersey’s law criminalizes mere possession of commonly-used arms even in the home for self-defense, and therefore the law strikes at the core of the Second Amendment. New Jersey’s outright ban on the Affected Magazines is inconsistent with the Second Amendment, and the Third Circuit erred by concluding otherwise.

## ARGUMENT

### I. The Third Circuit’s Interest-Balancing Test Contravenes this Court’s Precedent.

The Third Circuit erroneously applied an interest-balancing test—an approach this Court already rejected—when considering whether New Jersey’s ban of the Affected Magazines violates the Second Amendment. This approach is not only inconsistent with *Heller* and its progeny, but such an approach also reduces clarity in the law and allows for subjectivity.

#### A. The Correct Test Under *Heller*.

The Second Amendment states that “the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II. This Court made clear over a decade ago that the Second Amendment protects an individual right that “belongs to all Americans,” except those subject to certain “longstanding prohibitions” on the exercise of that

right, such as “felons and the mentally ill.” *District of Columbia v. Heller*, 554 U.S. 570, 581, 622, 626-27 (2008); see *McDonald v. City of Chicago*, 561 U.S. 742 (2010) (incorporating the Second Amendment against the states). The Second Amendment right, therefore, belongs to all “law-abiding, responsible citizens.” *Heller*, 554 U.S. at 635. In *Heller*, the Court created a simple test for those “Arms” that enjoy the Constitution’s protections: the Second Amendment protects a right to possess “Arms” that are “typically possessed by law-abiding citizens.” *Id.* at 624-25. With this formulation, the Court provided an easily understood and applied test.

Thus, when a law bans possession of an item, under *Heller*, courts should first ask whether the banned item qualifies as “Arms” under the Second Amendment. If so, courts should ask only whether the banned “Arms” are (1) commonly used, (2) by law abiding citizens, (3) for lawful purposes, including for self-defense or defense of “hearth and home.” See *Heller*, 554 U.S. at 624, 635. If so, then the banned item is categorically protected under the Second Amendment and no further analysis is needed. *Id.* at 634-35. This test closely tracks the text of the Second Amendment, and is consistent with the history of gun ownership for self-defense as a key component of the American understanding of ordered liberty. See *id.* at 628-29.

**B. The Third Circuit's Interest-Balancing Approach Is Inconsistent With *Heller* And Its Progeny.**

In the aftermath of *Heller*, lower courts, starting with the Third Circuit, strayed from the test the Court set forth in *Heller*. Instead of asking whether the item banned is commonly used by law-abiding citizens for lawful purposes, the Third Circuit created an indeterminate and value-laden balancing test. See *United States v. Marzzarella*, 614 F.3d 85, 97 (3d Cir. 2010). Under that test, the Court first makes a value judgment about whether the laws or regulations at issue, even categorical bans, “severely limit the possession of firearms.” See *id.* Even those that do still may survive under strict scrutiny. See *id.* Those that do not are subject to intermediate scrutiny, which requires a “‘significant,’ ‘substantial,’ or ‘important’” government interest and a “reasonable fit” that does not burden more conduct than is “reasonably necessary[.]” See *id.* at 97-98.

Applying an interest-balancing test to a ban on firearms commonly used by law-abiding citizens for lawful purposes is inconsistent with *Heller* and its progeny. One of the dissents in *Heller* argued that the Court should adopt an “interest-balancing inquiry” that “asks whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute’s salutary effects upon other important governmental interests.” 554 U.S. at 689-90 (Breyer, J., dissenting). The majority rejected such an inquiry, explaining that the Second Amendment “takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is

*really worth* insisting upon.” *Id.* at 634. The Second Amendment “elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Id.* at 635.

Just two years later, in *McDonald*, the dissenting opinion again questioned the propriety of incorporating the Second Amendment against the states when doing so would require judges to make difficult empirical judgments. 561 U.S. at 922-25. Justice Alito’s controlling opinion for the Court rejected the suggestion that a balancing test would apply: “As we have noted, while the [dissenting opinion] in *Heller* recommended an interest-balancing test, the Court specifically rejected that suggestion.” *Id.* at 791; *see id.* at 811 (Thomas, J., concurring) (discussing the phrase “deeply rooted in this Nation’s history and tradition” as a key component of the correct test).

Similarly, in *Caetano v. Massachusetts*, the Court, without employing a balancing test, rejected a decision from the Supreme Judicial Court of Massachusetts upholding a ban on the possession of stun guns.<sup>2</sup> 577 U.S. 411, 411-12 (2016); *see id.* at 418 (Alito, J., concurring) (“[T]he relative dangerousness of a weapon is irrelevant when the weapon belongs to a class of arms commonly used for lawful purposes.”).

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<sup>2</sup> On remand, the Supreme Judicial Court overturned the ban, reasoning that “we now conclude that stun guns are ‘arms’ within the protection of the Second Amendment. Therefore, under the Second Amendment, the possession of stun guns may be regulated, but not absolutely banned.” *Ramirez v. Massachusetts*, 94 N.E.3d 809, 815 (Mass. 2018).

Exhibit D  
List of AAG's



MARK BRNOVICH  
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL  
OPERATIONS DIVISION

HUMAN RESOURCES  
SECTION

TO: Whom This May Concern

FROM: Human Resources – Attorney General Office

DATE: 06/29/2021

RE: Current list of AGO Attorneys as of 06/29/2021

---

Below is a list of current attorneys at the Attorney General's Office:

AGCFP	ABBEY, DEBORAH K.	AGSGD	BANES, REBECCA A.
AGSGD	ACOSTA, JOE	AGCRM	BARRICK, JENNIFER E.
AGSGD	ACOSTA-COLLINGS, CLAUDIA R.	AGCFP	BARRY, WILBUR F.
AGCFP	ADAMS, AMANDA L.	AGSGD	BASKIN, MONA E.
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AGSGO	AHL, DAVID E.	AGSGD	BEHNKE, KALYN D.
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AGSGD	ANDERSON, KIM S.	AGSGD	BERGIN, DANIEL H.
AGCFP	ANZINI, LAUREN M.	AGSGD	BERGIN, VICTORIA J.
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AGSGD	ASTA, SARAH A.	AGCFP	BEVINS, ERIN S.
AGSGD	BABIONE, BYRON J.	AGCFP	BEVINS, WILLIAM F.
AGCFP	BACAL, JOSEPH E.	AGCLD	BISHOP, RYAN G.
AGSGD	BACON, JAMES N.	AGCFP	BLUM, JENNIFER R.
AGSGO	BAEK, RICHARD L.	AGCFP	BODDINGTON, LISA C.
AGCFP	BAIER, DONALD J.	AGSGO	BOND, MICHELLE L.
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AGSGO	BALL, CASEY D.	AGSGD	BONNELL, NANCY M.



**MARK BRNOVICH**  
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**OFFICE OF THE ARIZONA ATTORNEY GENERAL**  
**OPERATIONS DIVISION**

**HUMAN RESOURCES**  
**SECTION**

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AGSGD	BOYLE, PATRICK J.	AGSGD	COHEN, ERIN D.
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AGSGD	BRACHTL, MARK C.	AGCRM	COLL, SEAN P.
AGCFP	BRADLEY, BETHANY E.	AGCFP	CONLEY, JACQUELINE
AGSGD	BRENNAN, CARRIE J.	AGCLD	COOPER, LESLIE K.
AGEXO	BRNOVICH, MARK	AGCFP	COORDES, GREGORY D.
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AGCFP	CHAVEZ, JULIE A.	AGSGD	DAVIS, CHRISTOPHER B.
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AGCFP	CHRISTENSEN, SCOTT A.	AGCFP	DEVANY, ERIC
AGCFP	CHRISTOPHER, JANET V.	AGCFP	DHAS, ASHWINI P.
AGCFP	CIAFULLO, MARK A.	AGCLD	DILWEG, LAURA E.
AGCLD	CIAFULLO, MARK J.	AGSGO	DIVIS, KATLYN J.
AGCRM	CLARK, DOUGLAS L.	AGCFP	DOLL, HOLLY A.



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AGSGD	FEASEL, CHRISTOPHER J.
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AGCFP	FITZGERALD, LISA J.
AGCFP	FORSCH, ERICA B.
AGCFP	FOSTER, ALYSON M.
AGCLD	FOX, SAMUEL P.
AGSGO	FRANCIS, JILLIAN B.
AGSGO	FREEMAN, WILSON C.
AGCLD	FREESTONE, SHYLA R.
AGSGD	FRIES, JERRY A.
AGSGD	FRY, JOHN M.
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AGCRM	GADOW, BLAINE D.
AGCRM	GALUSHA-TROICKE, NICHOLE J.
AGCFP	GALVAN, JOSE P.

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AGCFP	GARBUTT, BART T.
AGCFP	GARDNER, AMELIA A.
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AGCFP	GEVERS, ALICIA
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AGSGD	GOODWIN, MICHAEL K.
AGSGD	GOTTFRIED, MICHAEL E.
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AGSGD	GOULD, CONNIE T.
AGCFP	GOURLAY, VIRGINIA W.
AGCLD	GREY, CHRISTINA M.
AGSGD	GRUBE, CHARLES A.
AGSGD	GUILLE, MISTY D.
AGSGD	HACHTEL, LAURIE A.
AGCFP	HALL, DANIEL P.
AGSGD	HALL, ROGER W.
AGSGD	HANDY, JO-ANN A.
AGCRM	HARAMES, BRETT J.
AGSGD	HARGRAVES, SETH T.
AGCFP	HARPER, SHAWN L.
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AGSGD	HARRIS, MARC H.
AGCFP	HARRIS, VERNON L.
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AGCFP	HEINRICK, TRACEY L.	AGSGO	JESSEN, KATHERINE H.
AGCRM	HEINTZ, RACHEL	AGCFP	JOHNSON, ELIZA B.
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AGSGD	HERLIHY, MATTHEW T.	AGCRM	JOHNSON, JOHN S.
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AGSGD	HORN, SOPHIA N.	AGCFP	KAWAMURA, ANNDREA S.
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AGCFP	HUCKABY, LINDSAY B.	AGCRM	KERFOOT, DESIREE M.
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AGCFP	LEVINE, JONATHAN M.	AGSGD	MONAGHAN, SEAMUS P.
AGCFP	LEWIS, SHANNON M.	AGCFP	MONRO, CATHERINE V.
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AGSGD	LOMBINO, MICHELLE C.	AGCLD	MOORE, PENNY A.
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AGCFP	OELZE, DEBORAH M.	AGCFP	RICHARDSON, ERIN E.
AGCFP	OLIVER, JAIMEE C.	AGCFP	RIVERA, MELISSA
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AGCFP	PACKARD, SAMUEL S.	AGSGD	ROSS, DWAYNE E.
AGCFP	PALMER, TYLER K.	AGCLD	ROSS, LESLIE A.
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AGCFP	PATEL, SAMIR R.	AGSGO	ROYSDEN, BRUNN W.
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AGCFP	PERKINS, RONALD K.	AGCFP	SAUER, LINDA A.
AGCFP	PEVEY, CHEYSSER	AGSGO	SAWYER, KATE B.
AGSGO	PIGNATELLA CAIN, AMY S.	AGSGD	SCHAACK, DANIEL P.
AGCFP	PIZZINGRILLI, PIHRA H.	AGCLD	SCHRINER, KRISTIN
AGSGD	POLLOCK, LINDA J.	AGCLD	SCHULTZ, ANGELA R.
AGCRM	PRECIADO III, HUMBERTO R.	AGSGD	SCHWARTZ, ADAM J.
AGSGD	PULVER, ROBERTO	AGSGD	SCHWARTZ, JONATHAN H.
AGSGD	RAINE, MICHAEL D.	AGSGD	SCHWARZ, ERIC T.
AGSGD	RAND, LUCY M.	AGCLD	SCIARROTTA JR, JOSEPH
AGCRM	RANKIN, THOMAS J.	AGCLD	SCOTFORD, REBEKAH K.
AGCRM	RASSAS, THERESA C.	AGCFP	SELL, JANET W.
AGSGD	RAY, KEVIN D.	AGCFP	SENESE, HOLLY K.
AGSGD	REH, DEANIE J.	AGCFP	SETTERS, TIFFANY
AGSGO	REILLY, ANDREW S.	AGCRM	SHAKER GUERRERO, NICOLE



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AGCFP	SHERIDAN, TODD A.
AGCFP	SHREVES, TERESA E.
AGCFP	SIEDARE, SABRA A.
AGCLD	SILVERMAN, MATTHEW A.
AGSGO	SIMON, WILLIAM S.
AGCFP	SIMONS, FOLKE N.
AGCFP	SIMPSON, JAMES E.
AGSGD	SINGH, NEILENDRA
AGSGD	SKARDON, JAMES T.
AGCLD	SLOOT, CHRISTOPHER M.
AGSGD	SMITH, CARRIE H.
AGSGO	SMITH, JOSHUA C.
AGCFP	SMITH, KEVIN R.
AGSGO	SPARKS, JEFFREY L.
AGSGO	SPENCE AMBRI, MARIETTE S.
AGCFP	SPRITZER, AUTUMN L.
AGCRM	ST JOHN, LINDSAY P.
AGSGD	STARKEY, CYNTHIA D.
AGCFP	STEINER, EMILY A.
AGSGD	STERLING, DEBRA G.
AGCFP	STOKES, EMILY M.
AGSGD	STORY, KIRSTIN A.
AGSGO	STOVER GARD, LACEY A.
AGCRM	STRATTON, ELLIOT C.
AGCRM	STRITTMATTER, MAURA C.
AGCRM	STRUCKMEYER-CROXEN, FREDERICK
AGCFP	STURTZ, ASHLEY D.
AGSGO	SWEENEY, KATHLEEN P.
AGSGO	TABER, ALEXANDER M.
AGSGD	TEASDALE, SCOT G.
AGSGD	TELLIER, JOHN R.
AGSGO	THORSON, AMY M.

AGCFP	TIBBEDEAUX, LISA M.
AGCFP	TRUMAN, EDWARD B.
AGSGD	TRYON, GEORGE M.
AGCFP	TURNER, CAREY S.
AGCLD	TYRELL, SYREETA A.
AGSGD	UPDIKE, BENJAMIN H.
AGCFP	VAITA, ELENI M.
AGCFP	VALADEZ, TONI M.
AGCFP	VALENZUELA, DENISE W.
AGSGO	VALENZUELA, MICHAEL F.
AGCFP	VALEROS, JENILEE M.
AGCFP	VAMPOTIC, MICHAEL J.
AGCFP	VILLARREAL-REX, KRISTI L.
AGCLD	VOGEL, DANA R.
AGSGD	WAGNER, KELLY M.
AGCFP	WALKER, DARYL R.
AGCFP	WALSH, MICHAEL J.
AGSGD	WAN, HOLLY
AGSGD	WATSON, TIMOTHY J.
AGSGD	WEINKAMER, ADRIENNE M.
AGCLD	WHITAKER, JOSHUA M.
AGSGD	WHITE, CHRISTOPHER P.
AGCRM	WHITE, TARAH L.
AGCFP	WILLIAMS, DAWN R.
AGCRM	WILLIAMS, MATTHEW K.
AGSGO	WILSON, LINLEY S.
AGCFP	WOOTEN, PHILIP R.
AGCFP	WORCESTER, BROOKE A.
AGSGO	WRIGHT, JENNIFER J.
AGSGO	YBARRA, ELIZA C.
AGCFP	ZAGORSKI, STEVEN B.
AGSGD	ZEISE, CARL E.
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Exhibit E

List of Partners and  
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Sarah Ames  
Brian Anderson  
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Daniel Ark  
Kristen Arredondo  
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Angeline Babel  
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John Bannen  
Alexis Barkis  
John Barlament  
John Barry  
Ted Barthel  
Ted Barthel  
Luke Behnke  
Sarah Belger  
Scott Berg  
Bennett Berson  
Lauren Beslow  
David Beyer  
Ave Bie  
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Rasha Gad  
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Christopher Gerber  
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Norah Jones  
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Thomas McElligott  
Scott McIntosh  
Anne McKeon  
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Jerome Mohsen  
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Nneka Umeh  
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