

Board Action Request

TO: Tubac Fire Board

FROM: Ben Guerrero, Fire Chief

SUBJECT: Discussion and Possible Action to approve Chief Ben Guerrero to seek a letter of engagement with Goldsmith and Mendoza.

DATE: May 31, 2023

Background: Tubac Fire board decided to seek alternate legal representation. A request for proposal for District legal representation was advertised in several areas that included the Arizona Fire District Association website and the Tubac Fire District website.

Tubac Fire received two (2) proposal letters. The first being from Goldsmith and Mendoza P.L.L.C. and the second being from Coogan & Martin, P.C.

Please review attached comparison chart.

Fiscal Impact: None

Alternate Option: Board Direction

Staff Recommendation: Request a letter of engagement from Goldsmith & Mendoza based on expertise, experience, and cost.

Proposed Motion: I move to approve Chief Ben Guerrero to seek a letter of engagement with Goldsmith and Mendoza.

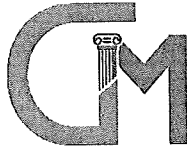
Attachment: Comparison Chart and Proposals.

Relevant Experience	Goldsmith & Mendoza	Coogan-Martin
Public agency contracts/agreements	X	
Employment law	X	X ²
Public records requests	X ¹	
Bond counsel matters		
Open meeting law	X ¹	
Public notice compliance	X ¹	
Conformance to RFP		
Firm specialties and brief history	X	X
Bio of Principals	X	X
List of other public safety agencies/clients/associations/work	X	³
Anticipated hourly rate	\$400 for partner \$225 for associate attorney \$100 paralegal	\$425 senior attorney \$250 legal staff
Terms of agreement if any	Month-to-month	Month-to-month
Add'l information		

¹ by virtue of public agency representation experience

² non-governmental

³ no public safety listed – Non-profit work primarily



Eugene N. Goldsmith
eng@goldsmith-mendoza.com

GOLDSMITH & MENDOZA
P.L.L.C.

April 27, 2023

SENT VIA EMAIL

Ben Guerrero
Fire Chief
2227 East Frontage Rd
Tubac, Arizona 85646
(520) 398-2255
bguerrero@tubacfire.org

Re: Proposal Letter

Dear Chief Guerrero,

Goldsmith & Mendoza PLLC would like to be considered as a candidate to provide legal services to the Tubac Fire District. We would charge an hourly rate, and bill monthly, for the time expended on Tubac Fire District matters.

Our rate would be a courtesy rate of \$400 per hour for partner time, \$225 for associate time, and \$100 per hour for paralegal time. Information regarding the Firm is attached.

Please let us know if you need any additional information.

Sincerely,
GOLDSMITH & MENDOZA, P.L.L.C.



Eugene N. Goldsmith



GOLDSMITH & MENDOZA
P.L.L.C.

ABOUT US

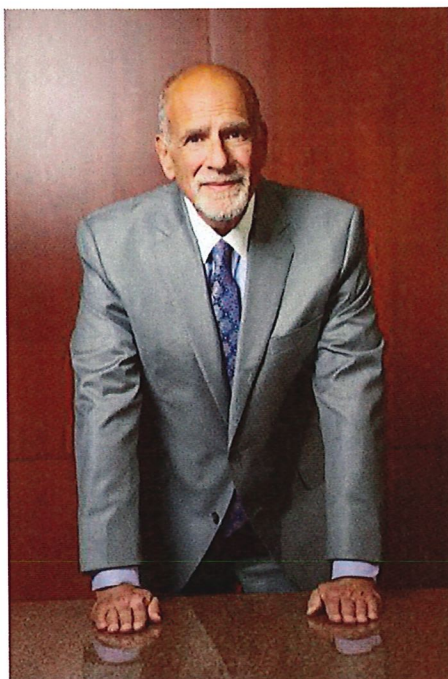
We serve Tucson and Southern Arizona. We provide experienced and creative representation. We are civil litigators and handle: representation of governmental entities, commercial litigation, complex multiparty litigation, personal injury, wrongful death, employment litigation, probate litigation, civil rights, and agricultural law. The Firm and its predecessor firm has handled various cases for the City of Nogales of the course of approximately 25 years. That has, in the past, included civil litigation, personnel matters and advice on a wide range of issues affecting the City of Nogales, including matters related to the City's Fire Department and the City's Pension Plan.

The Firm currently has two partners, Eugene Goldsmith and Pilar Mendoza, one of-counsel attorney, Matthew Davidson, one associate attorney, and two full-time staff members. We have offices in Tucson and Nogales, Arizona.

<p>Tucson Office 1670 E. River Road, Suite 200, Nogales, Arizona 85718 Phone: (520) 497-1138 FAX: (520) 497-1138</p>	<p>Nogales Office 477 W. Crawford St. Nogales, Arizona 85621 Phone: (520) 497-1138 FAX: (520) 497-1138</p>
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GOLDSMITH & MENDOZA
P.L.L.C.



Eugene N. Goldsmith, Esq.

Phone & Fax: (520) 497-1138

Email: eng@goldsmith-mendoza.com

Eugene “Gene” Goldsmith has called Southern Arizona home for over 45 years. Gene received graduate and law degrees from the University of Arizona, and has been an Arizona trial lawyer for over 35 years. Prior to attending law school Gene was a special education teacher in Nogales.

Gene is an AV rated lawyer who maintains a commercial and tort practice. He focuses on complex litigation and working with his clients to identify problems and find solutions. Gene’s practice has included government representation, partnership and shareholder disputes and wrongful death.



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P.L.L.C.

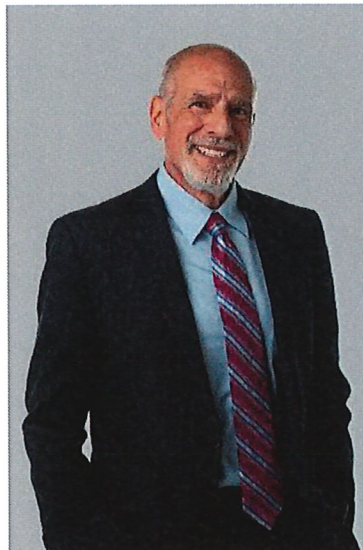
Gene was formerly a Judicial Law Clerk to the Honorable James D. Hathaway, Arizona Court of Appeals, Division 2, and a shareholder and associate at the Tucson law firm Miller, Pitt and McAnally, PC (currently Miller, Pitt, Feldman & McAnally, P.C.) and a partner at McNamara Goldsmith P.C. for 25 years.

Areas of practice:

Government Representation, Commercial Litigation, Insurance Coverage, Personal Injury, Insurance Bad Faith, Defamation, Probate Litigation, P.A.C.A.

Education:

- University of Arizona Collage of Law, Tucson, Arizona.
 - J.D. with High Distinction – 1985 (Class Rank: Top 10%)
 - Order of the Coif
- University of Arizona, Department of Education.
 - Master of Education in Special Education – 1981
- State University Collage at Buffalo, New York
 - B.S. in Special and Elementary Education – 1977





GOLDSMITH & MENDOZA
P.L.L.C.



Maria del Pilar Mendoza, Esq.

Phone & Fax: (520) 497-1138

Email: pm@goldsmith-mendoza.com

Pilar Mendoza is an attorney with extensive civil experience. She handles cases for both plaintiffs and defendants; and focuses on personal injury, car accidents, commercial litigation, and employment litigation.

Pilar has focused her practice in civil litigation during her career. She enjoys developing a collaborative working relationship with her clients and handles both large and small cases effectively. She is actively involved in the Arizona Association for Justice (“AAZAJ”) where she has served as a



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Board member since 2014. Pilar is the co-chair of AZAJ's learn at lunch seminar. Pilar is also a member of the American Immigration Lawyers Association ("AILA").

Areas of Practice:

Commercial Litigation, Insurance Coverage, Torts, Products Liability, Defamation, Personal Injury, Insurance Bad Faith, Probate litigation, P.A.C.A.

Bar Admissions:

Arizona, 2006 U.S. District Court District of Arizona, 2006

Education:

- University of Arizona College of Law, Tucson, Arizona (2006)
- University of Arizona, Tucson, Arizona, M.A. in Political Science (2003)
- Undergraduate Law Degree, Universidad Pontificia Bolivariana, Colombia (2000)

Professional Affiliations

- Arizona Association for Justice. Board Member.
- American Immigration Lawyers Association.





GOLDSMITH & MENDOZA
P.L.L.C.



Matthew C Davidson

Matthew has been practicing law in Southern Arizona since 1993. His practice focuses primarily on criminal cases and litigation. He enjoys what he does and prides himself for fighting hard for his clients. He is proud of the results that he has achieved in local, state, and Federal courts in Arizona. He has also practice in state and Federal courts in California, to include the Southern, Central and Eastern Districts, Texas, New Mexico, Missouri, and Iowa.

Work Experience:

Of Counsel at Goldsmith & Mendoza P.L.L.C	2022- Present
Principal Law Offices of Matthew C. Davidson, Ltd.	2001- Present
City Prosecutor City of Nogales	1997-1999
Town Prosecutor Town of Patagonia	1995-1999



GOLDSMITH & MENDOZA
P.L.L.C.

Education:

- Thomas M. Cooley Law School, J.D. – Juris Doctor (1993)
- Hobart College, BA- Bachelor of Arts (1989)

Associations

- Member of the Santa Cruz County Humane Society (2014-Present)
- Pro Bono counsel of the State Bar of Arizona, Young Lawyers Division (2011- Present)
- Member of the Ninth Circuit Court of Appeals (2006-Present)

Honors and Awards

- Peer Review Rated (2016)
Martindale- Hubbell
- Service Award (City Prosecutor) (1999)
City of Nogales
- American Jurisprudence-Criminal Practice (1993)
Thomas M. Cooley Law School

From: Daniel Coogan <djc@nogaleslaw.com>
Sent: Thursday, April 27, 2023 5:05:48 PM
To: Ben Guerrero <BGuerrero@tubacfire.org>
Cc: Peter Benequista <prbenequista@gmail.com>
Subject: Tubac Fire District re: RFP Legal Services

Chief Guerrero,

In addition to the attachment which provides some background, the following is a brief summary submitted in response to the Request for Proposals for legal services for the Tubac Fire District and its Board.

Robert (“Kip”) Martin and I have practiced law together for the past 30 years or so. We both went to work for Larson, Soto & Arana in Nogales the late 1980’s. The firm has evolved over the years, but at its core, has primarily focused in international agribusiness in the U.S. and Mexico. While we have not done work for public safety agencies, one of our best representational clients is The Fresh Produce Association of the Americas (FPAA). It is a non-profit trade organization headquartered in Nogales with approximately 60 shipper/distributor members and 50 associate members who are involved in the produce industry. The FPAA work has ranged from international trade disputes before the Department of Commerce to representing the Board in monthly and annual meetings, work with certain committees and on internal employment and operational matters.

While relatively small in population, the Nogales produce business generates about \$3 billion annually. We assist our clients with negotiating and compiling documents for significant loans into Mexico which finance growing operations and for the distribution and sale of fresh produce in the U.S. We work with legal and tax counsel in Mexico to develop security agreements and filings in Mexico and the U.S. to perfect lien rights for such loans. Some families have vertically-integrated operations with farming and orchards in Mexico and sales and distribution facilities in Texas, Arizona and/or California. Our firm also represents a significant number of US Customhouse brokers in Nogales which facilitate cross border trade.

We assist our domestic and international clients with business formations, including corporations, partnerships, joint ventures and limited liability companies and also handle annual reports and filings with the Arizona Corporation Commission along with annual minutes and shareholder agreements. Our involvement with clients has evolved over several generations of family members and has allowed us to develop a very close working relationship with these individuals and to assist with family business succession planning.

Our practice also includes real estate transactions and commercial development work, largely focused on warehouse facilities. We have been involved in a wide array of civil litigation in state and federal courts as well as administrative law before the US Department of Agriculture throughout the U.S. Our cases typically involve complex commercial litigation. Kip’s practice has also focused on representing produce creditors in bankruptcy proceedings throughout the U.S. which involves rather nuanced priority creditor claims.

We have always felt that an important part of our practice is in giving back to the communities through pro bono work. We have worked as local counsel to the Santa Cruz County Boys & Girls Club for the past 30 years and have formed dozens of non-profit organizations. Kip has been involved as local counsel to the Greater Nogales Santa Cruz Port Authority since its inception. I am currently a board

member with the Santa Cruz Valley Unified School District #35 Foundation which provides scholarships to Rio Rico High School students. I previously served on a NAFTA committee representing the US in developing a dispute resolution mechanism with international agriculture transactions and was also a Co-Chair on a Border Issues Committee with the Arizona-Mexico Commission.

Kip has lived in Nogales for over 30 years and I have lived in Tubac for the past 6 years. In late 2022, we relocated our office to Tubac in a restored Valley Bank Building at 24 Tubac Road and it seems to be a particularly good fit for us.

Certainly our most important asset is our staff and we view our key strength lies in our commitment to our clients. We try not to take ourselves seriously, but we do take our work seriously. With respect to hourly rates, we currently charge \$425 for senior attorneys with legal staff at \$250. Given our work with family-owned businesses, we take a very practical approach to legal work and try and provide real value for our services. As to the proposed term of an agreement, we generate invoices on a monthly basis and would be terminable by either party on a monthly basis. If the District prefers to work on a longer term basis, we are also willing to work as needed.

Thanks for your consideration,
Dan & Kip

Daniel J. Coogan
COOGAN & MARTIN, P.C.
24 Tubac Rd.,
P.O. Box 4830
Tubac, Arizona 85646
(520) 287-2110
(520) 287-5201 Fax

Law Firm:	<u>Coogan & Martin, P.C.</u>
Lawyer:	Daniel J. Coogan
Phone:	520-287-2110
Practice Areas:	Commercial Litigation and Transactions; International Agricultural Litigation and Transactions; Business Formation
Bio:	Registered Landscape Architect, Arizona. Member, NAFTA Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods, 1998-2000. Private Sector Co-Chair, Border Issues Committee, Arizona-Mexico Commission, 2005-2007.
Admitted:	1990, Arizona, United States District Court for the District of Arizona U.S. Court of Appeals, Ninth Circuit and U.S. Court of Appeals, Ninth Circuit
College:	Iowa State University, B.L.A., with distinction, 1983; Southern Illinois University
Law School:	University of Arizona, J.D., 1989
Membership:	Santa Cruz County Bar Association; State Bar of Arizona; American Agricultural Law Association.
Web:	http://www.nogaleslaw.com
Languages:	English

Law Firm:	<u>Coogan & Martin, P.C.</u>
Lawyer:	Robert C. (Kip) Martin
Phone:	520-287-2110
Practice Areas:	Complex Commercial Litigation; Commercial Contracts; Agricultural Creditors Rights; Bankruptcy Litigation; Perishable Agricultural Commodities Act (PACA); Secured Transactions
Bio:	Phi Beta Kappa; Phi Kappa Phi. Writer, 1984-1985 and Articles Editor, 1985-1986, Arizona Law Review. Board Member, Border Trade Alliance. Member, Greater Nogales and Santa Cruz County Port Authority, Inc.; City of Nogales Planning and Zoning Commission.
Admitted:	1986, Arizona and U.S. District Court, District of Arizona
College:	University of Arizona, B.A., with high distinction, 1982
Law School:	University of Arizona, J.D., with distinction, 1986
Membership:	Pima County and Santa Cruz County Bar Associations; State Bar of Arizona; American Agricultural Law Association.
Web:	
Languages:	English and Spanish