

GARY L. BIRNBAUM

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Professional Experience

Associate Dean for Graduate Studies and Program Development, Sandra Day O'Connor College of Law at Arizona State University (July 2006-present)

Responsibilities include oversight of the College of Law's graduate (L.L.M. and M.L.S.) programs, adjunct faculty, and new program development. Participation in establishment of the University's new transdisciplinary Accelerated Master of Real Estate Development program, in conjunction with the W.P. Carey School of Business, the College of Design, and the College of Engineering (Del E. Webb School of Construction).

Adjunct Professor of Law, Sandra Day O'Connor College of Law at Arizona State University (2001-present)

Developed and taught classes for second and third year law students entitled "Private Property Rights" and "Advanced Topics in Business Law: Valuing Interests in Real Property and Closely-Held Businesses." Subject matter included eminent domain, real estate valuation, business valuation, title insurance and other land use-related subjects.

Mariscal, Weeks, McIntyre & Friedlander, P.A., Phoenix, Arizona (1980-present)

Shareholder/Director (1981 - present); Executive Committee Member (1987 - present); Managing Director (1992 - present).

Practice includes all aspects of civil/commercial litigation, including trial and appellate work in state and federal courts and before various administrative agencies. Cases have included complex class action and multi-district proceedings, eminent domain, land use, construction, securities, employment, professional liability, insurance, and title insurance and escrow litigation. Lead trial counsel in state court cases in Arizona, Nevada, Utah and California and in the United States District Court for the District of Arizona. Transactional work has included real estate acquisition and financing, development and redevelopment agreement negotiation and drafting, business acquisitions and sales (including hospitals, sports franchises, and other commercial businesses) and general corporate representation. Mariscal Weeks is currently a 60-member general civil practice law firm operating from offices at The Phoenix Plaza in metropolitan Phoenix, Arizona.

Professional activities have also included participation as mediator (more than 200 cases), as arbitrator, as counsel in connection with alternative dispute resolution (ADR) proceedings and as a court-appointed special master.

Streich, Lang, Weeks & Cardon, P.A., Phoenix, Arizona (1976 - 1980)

Associate attorney with major Phoenix business law firm. Practice emphasized securities, antitrust, eminent domain, and general commercial litigation.

Bar Admissions and Professional Associations/Recognitions

Admitted to practice before the Supreme Court of Arizona (1976), United States District Court for the District of Arizona (1976), Ninth Circuit Court of Appeals (1980), Tenth Circuit Court of Appeals (1990), United States Tax Court (1982), United States Court of Federal Claims (1993) and the United States Supreme Court (1980).

Fellow, American College of Trial Lawyers; Fellow, College of Law Practice Management.

Member of the American Bar Association, State Bar of Arizona, Maricopa County Bar Association, American Judicature Society, International Municipal Lawyers Association and the American Trial Lawyers Association. Chairman of the State Bar of Arizona, Law Practice Management Section (1994-95). Fellow, Arizona Bar Foundation and Maricopa County Bar Foundation.

Martindale-Hubbell Rating: AV

Listed in The Best Lawyers in America (Business litigation) (1997-2004)

Listed in The Best Lawyers in America (Business litigation, real estate and alternative dispute resolution) (2005-present)

Listed in "Best of the Bar" (Real Estate) (The Business Journal)

Listed in America's Leading Lawyers for Business (Chambers U.S.A.) (2004-present)

Listed in American Lawyer – Litigation, Best Lawyers-Commercial Litigation (2004-present)

Member, American Society of Counsellors of Real Estate (CRE)

Arizona Chapter Treasurer (1996); Vice President (1997)

Member, Lambda Alpha International (Land Economics Society)

Licensed Real Estate Salesperson (Arizona)

Member, National Panel of Commercial Arbitrators of the American Arbitration Association

Member, Panel of Mediators, American Arbitration Association

Member, Panel of Mediators and Arbitrators, The Counsellors of Real Estate

Education

J.D. magna cum laude, Indiana University School of Law, Bloomington, Indiana (1976)

Articles and Book Review Editor, Indiana Law Journal 1975-76

Order of the Coif (1976)

Recipient, Indiana University Foundation and James Calamaras Fellowships

B.A. summa cum laude, State University of New York at Binghamton, N.Y. (1973).

Graduated with Highest Honors in Political Science

Phi Beta Kappa (1973); Pi Sigma Alpha (1973)

Recipient, University and New York State Regents Scholarships

Recipient, Rischel-Searles Memorial Award (1973) for outstanding academic achievement and participation in community affairs

Professional Publications

(a) Texts and Treatises

Author, Nichols on Eminent Domain, Chapter 6 (Takings and Damages) (Matthew Bender 1994).

Contributing Editor, Commercial Real Estate Transactions Practice Manual (State Bar of Arizona 1989).

(b) Significant Law Journal Articles

G. Birnbaum and P. B. Converse, "The Economics of Law Practice: Where Does the Money Go?" Arizona Attorney (May 1997)

G. Birnbaum, L. Stahl & M. West, "Standardized Agreements and the Parole Evidence Rule" 26 Arizona Law Review 793 (1984).

G. Birnbaum, "The Gallagher Covenant," 13 Arizona Bar Journal 8 (April 1978).

G. Birnbaum, "Remarriage and Wrongful Death: A Model for Voir Dire Examination," 52 Indiana Law Journal 281 (1976).

G. Birnbaum, "Express Contracts to Cure: The Nature of Contractual Malpractice," 50 Indiana Law Journal 361 (1975).

Seminar Presentations

- State Bar of Arizona, “Expert Witnesses” (San Diego, California, July 2006) (Speaker)
- State Bar of Arizona, “The Economics of Law Practice” (San Diego, California, July 2006) (Speaker)
- State Bar of Arizona, “Business Appraisal” (May 2006) (Speaker and Seminar Chairman)
- State Bar of Arizona, “The Valuation of Residential Real Estate” (San Diego, California, July 2005) (Speaker)
- CLE International, “Right to Take Defenses in Eminent Domain Litigation” (April 2005) (Speaker)
- LandAmerica Escrow Conference, “Litigation Involving the Navigability of Arizona Watercourses” (Prescott, Arizona, November 2004) (Speaker)
- State Bar of Arizona, “An Introduction to Title Insurance” (San Diego, California, July 2004) (Speaker)
- State Bar of Arizona, “Fundamentals of Mediation” (San Diego, California, July 2004) (Panel Member)
- Valley Partnership, “Economic Incentive Agreements” (2004) (Moderator)
- CLE West, “Escrow Liability” (October 10, 2003) (Speaker)
- State Bar of Arizona, “Direct and Cross Examination of the Valuation Expert” (San Diego, California, July 2003) (Speaker; Trial Practice Demonstration)
- State Bar of Arizona, Professionalism Course (June 2003) (Instructor)
- State Bar of Arizona, “Alternative Dispute Resolution” (June 2003) (Panel Member)
- American Bar Association, Section of Litigation “The Art of Storytelling in Trial Practice” (Houston, Texas, April 2003) (Speaker)
- Maricopa County Bar Association, Bench-Bar Conference, “Model ADR Procedures” (March 2003) (Speaker)

- CLE International, "The Appraisal of Real Estate" (Aug. 2002) (Seminar Chairman; Speaker)
- State Bar of Arizona, "Boilerplate" (San Diego, California, July 2002) (Speaker)
- State Bar of Arizona, "Advanced Commercial Real Estate" (April 2002) (Speaker)
- State Bar of Arizona, Law Practice Management Section, Managing Partners Forum, "Law Firm Growth and Management" (March 2002) (Speaker)
- CLE International, "Eminent Domain Conference" (March, 2002) (Speaker)
- State Bar of Arizona "Business and Real Estate Valuation" (July 2001) (Speaker)
- CLE International, "Eminent Domain Conference" (May 2001) (Speaker)
- National Business Institute, "Business Valuation" (July 1999) (Seminar Chairman; Speaker)
- State Bar of Arizona, Law Practice Management Section, Managing Partners Forum, "Law Firm Management and Economics" (April 1999) (Principal Speaker)
- State Bar of Arizona, "Advanced Current Topics of Real Estate and Real Estate Finance" (November, 1997) (Contributor, "The Gift Clause: A Constitutional Obstacle to Public Support of Private Development Projects")
- State Bar of Arizona "Documentation of Complex Business Transactions" (July 1997) (Speaker)
- National Business Institute, "Real Estate Titles and Title Insurance in Arizona" (January 1997) (Seminar Chairman; Speaker)
- State Bar of Arizona, Law Practice Management Section "Law Firm Economics" (November 1996, January 1997, February 1997) (Seminar Chairman; Principal Speaker)
- State Bar of Arizona, "Advanced Current Topics in Real Estate and Real Estate Finance" (October 1996) (Panel Member)

- State Bar of Arizona, Law Practice Management Section, Managing Partner's Forum (April 1996) (Panel Member).
- National Business Institute, "Real Estate Litigation in Arizona" (March 1996) (Principal Speaker).
- State Bar of Arizona, Law Practice Management Section, "Managing Partner's Forum" (April 1995) (Seminar Chairman; Moderator).
- National Business Institute, "Title Insurance" (January 1995) (Principal Speaker).
- State Bar of Arizona, Law Practice Management Section, "Money, Organization, Competition and the Practice of Law in the '90s" (Arizona State Bar Convention, June 1994) (Moderator).
- State Bar of Arizona, "The Appraisal of Real Estate" (October 1993) (Seminar Chairman).
- International Right-of-Way Association, "Ethics (In Land Acquisition Transactions)" (September 1993) (Speaker).
- Maricopa County Bar Association, "Bench/Bar Conference" (May 1993) (Panel Member).
- Arizona Society of Certified Public Accountants, "Cross Examination Skills Workshop For Financial and Accounting Experts" (January 1993) (Instructor).
- State Bar of Arizona, "Working with Financial Experts" (January 1993) (Speaker).
- Participated as a judge in the Arizona State University College of Law, Jessup International Moot Court Competition, Canby (Appellate) Moot Court Competition, and Jenckes (Closing Argument) Moot Court Competition (various times, 1992 - 2000).
- Maricopa County Bar Association, Corporate Counsel Section, "Trial of the Condemnation Case: Closing Argument Demonstration" (1991) (Speaker).
- State Bar of Arizona, "Eminent Domain in Arizona" (Arizona State Bar Convention, June 1990) (Speaker).
- Maricopa County Bar Association, "Effective Oral Arguments" (May 1990) (Speaker).

- State Bar of Arizona, "Maximizing Your Effectiveness in Taking and Defending Depositions" (June 1990) (Speaker/Panel Member).
- Maricopa County Bar Association, "Rule 11" (July 1989) (Speaker).
- Maricopa County Bar Association, Trial Advocacy Course (1986) (Faculty).
- Participant on various seminar panels involving litigation, real estate, eminent domain, valuation, mediation (ADR) and law practice management topics.

Personal/Other Activities

Date of Birth: April 29, 1952
New York City, New York

Civic activities include membership on the Board of Directors of the Phoenix Theatre, one of the oldest continuously operating theatres in the United States (1980-1986; 2006-present), and service for two terms as President of the Theatre. Membership on the City of Phoenix Citizens Bond Committee (by appointment of Mayor Goddard) and on the Committee on Preservation of the Arizona Biltmore Golf Course (by appointment of Mayor Rimsza). Membership on the ASU College of Law, Dean's Council of 100 (Executive Committee). Membership on the National Board of Visitors of the University of Arizona College of Law (2000-present) and on the Board of Directors of the Maricopa Health Foundation (2000).