



AAA Mediation.org™

**FN-2682196 MN-2682196 LN-2682196,
Esq.**

Tempe, Arizona



Current Employer-Title Partner of Guidant Law, PLC

Profession Litigation attorney, mediator, arbitrator

Work History

- Founding Member and Managing Partner, Guidant Law PLC (Merger), 2019 – present
- Founding Member and Managing Partner, Smith Saks, PLC (Merger), 2018 – 2019
- Founding Member and Managing Partner, Smith Paknejad, PLC (Merger), 2013 – 2018
- Chief Litigation Counsel, McCarthy Law, PLC, 2012 – 2013
- Founding Member and Managing Partner, Smith & Craven, PLLC, 2003 – 2012
- Senior Associate, Lake & Cobb, PLC, 2002 – 2003
- Senior Associate, Guy Bluff, PC, 1999 – 2002
- Principal, Law Office of Gary Michael Smith, 1997 – 1999
- Associate, Walraven & Roberts, 1996 – 1997

Experience

A seasoned litigator, advisor, mediator and arbitrator with a focus on commercial matters, construction, real estate law, cannabis and administrative law, representing a broad range of individual and institutional clients in both State and Federal courts, administrative hearing and arbitration. Among the most highly regarded experts in Arizona contracting and construction law and author of two legal treatises: The Orange Book: The Regulation of Arizona Contractors, 2nd Ed.: Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings and Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings. Co-authored “Construction Lien Law in Arizona, A Practice Manual.” Awarded Az Business Top 100 Lawyers in Arizona two years in a row and Martindale-Hubbell® AV Preeminent rated. Represented hundreds of construction clients in litigations and

administrative proceedings, including AIA and other contract claims, lien and bond claims defect claims, differing site condition claims and license defense.

Holds a Certificate in Advanced Mediation from the Pepperdine University School of Law: Straus Institute for Dispute Resolution. Has worked on partnership disputes, construction defect, design defect, design defect, real estate purchase, employment contract breach, business purchase disputes, consumer fraud, banking, and purchase contracts. A skilled arbitrator having participated in multiple arbitrations, both before the American Arbitration Association and privately, valued up to \$1 million. Offers extensive experience in construction design and defect, personal injury, contract disputes and professional fees.

Served as amici counsel for the former Director of the Arizona Department of Health Services in the Arizona Supreme Court Petition State v. Jones, attempting to restore cannabis extracts and concentrates to legal status under the Arizona Medical Marijuana Act. A leading voice in cannabis ADR; the founder and current president of the Arizona Cannabis Bar Association, committed to educating lawyers and the public about cannabis law and responsible legislation.

Earlier in career, was responsible for litigation and workouts, including defense of clients sued for both secured and unsecured credit card, real estate, and commercial debt. Focused on credit and collection law, including TILA, FDCPA, and FCRA.

Mediator Experience

Served as a judge pro tem for the Maricopa County Superior Court, received scores of mediation assignments in civil disputes, including commercial disputes, real estate disputes, construction disputes, and personal injury. Also has been retained privately to help settle business disputes.

Mediation Experience as an Advocate or Party:

Participated as advocate in scores of mediations. Pre-Great Recession, practice was more than 80% construction law, involving a host of parties, including owners, general contractors, subcontractors, sureties, insurance carriers, etc. Mid and post-Great Recession, civil work diversified to include banking and finance law, such as TILA, FDCPA, and FCRA.

Engaged in vigorous cannabis law practice over the past decade, having advocated in free form mediations as well as administered mediations.

Years of Practice as a Mediator: 15

Total Number of Cases Mediated: 25

Mediation References:

Fred Thomas – f.thomas@thomaslawaz.com

John Parker – jparker@ptlaw.net

Janice Haug – Janis.haug@phoenix.gov.

Representative Issues Handled as a Mediator

Investor disputes in closely held companies;
Breach of contract disputes;
Adverse possession / quiet title disputes;
Construction disputes between owner and contractor.

Mediator Style & Process Preferences

Applying concepts borrowed from Eastern philosophy, I take a compassionate but detached perspective in my mediations. My focus is people first and case second. Parties mediate for myriad reasons. Foremost, they are stuck in a dispute because they or their opponent don't see the path out. Through dialogue, I engage the parties to help them to be truly candid with themselves about their needs and expectations. These dialogues are often revelatory for the parties. As we clear obstacles, the path to settlement comes into focus. Employing an evaluative perspective, I additionally engage the parties in critically analyzing the viability and efficacy of their asserted positions.

Education

California Western School of Law (JD-1994); State University of New York College at Geneseo (BA, English Literature-1987).

Professional Licenses

Admitted to the Bar: Arizona (1995), New York (1996), Colorado (inactive), North Carolina (inactive); U.S. Court of Appeals: 9th Circuit.

Certificate in Advanced Mediation, Pepperdine University School of Law: Straus Institute for Dispute Resolution (2017).

Professional Associations

- American Arbitration Association roster of neutrals
- Arizona Cannabis Bar Association
- Psychedelic Bar Association
- National Cannabis Bar Association
- American Bar Association

Recent Publications & Speaking Engagements

Publications:

- “The Need for an International Psychedelic Religious Survey,” *Psychedelics Today* (March 2022)
- “Exploring the Psychedelic Frontier: The Terminally Ill and the Right to Try,” *Arizona Attorney* (February 2022)
- “Insurance Matters: How Retailers Can Protect Themselves from Liability for Recalled Products,” *Cannabis Business Times* (July 2021)
- “My View: ADHS, cannabis, and the illusion of social equity,” *Phoenix Business Journal* (May 2021)
- “Licensing, Zoning and Recreational Cannabis’ Post-Election Obstacles,” *Arizona Attorney* (March 2021)
- “The Farmer and The Cowman Should Be Friends: Why the Pharmaceutical Industry and Grassroots Reformists Should Join Forces,” *Psychedelics Today* (February 2021)
- “A New Supreme Court RFRA Ruling May Be a Boon to Psychedelic Religions,” *Chacruna* (January 2021)
- “Tips for Businesses in the Wake of Proposition 207,” *In Business Phoenix* (January 2021)
- “Uniform Model Law on Plants and Fungi Medicines: A Better Path to Reregulation,” *Psychedelics Today* (December 2020)
- “Cannabis and Psychedelics: Vote and Change the Laws!” *Chacruna* (October 2020)
- “The State of Psychedelics Today,” *In Business Phoenix* (October 2020)
- “How The Pollen Wars Are Hurting The Cannabis Industry,” *Green Entrepreneur* (September 2020)
- “How Federal Trademark Registration Can Be Crucial to Building National Hemp, CBD Brands,” *Hemp Grower* (August 2020)
- “My View: Maricopa County court order on litigation has business benefits,” *Phoenix Business Journal* (August 2020)
- “Your COVID-19-Related Business Losses Might Be Covered by Insurance,” *Green Entrepreneur* (May 2020)
- “7 Tips For Cannabis Companies Entering Lease Negotiations,” *Green Entrepreneur* (April 2020)
- “Letters From Marijuana Land – The First Decade,” *Arizona Attorney* (March 2020)
- “6 Things You Must Know In Order To Navigate The Legal Perils Of CBD,” *Green Entrepreneur* (February 2020)
- “Psychedelica Lex: The Law of Psychedelics” (2020)
- “Where There’s Weed, There’s an Heir,” *Marijuana Industry Trade Association News* (July 2019)
- “Federal Trademark Registration is Available for Hemp,” *Marijuana Industry Trade Association News* (January 2019)
- “Lack of Access to Bankruptcy Continues to Hamper the Industry,” *Marijuana Industry Trade Association News* (January 2019)
- “Cannabis Litigation,” *Marijuana Industry Trade Association News* (August 2018)
- “What Happens if State v. Jones is Not Overturned?” *Marijuana Industry Trade Association News* (August 2018)
- “Does This Lawsuit Come in My Size?” *Marijuana Industry Trade Association News* (Sept. 2018)

Author of two legal treatises: *The Orange Book: The Regulation of Arizona Contractors*, 2nd Ed.: Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings and *Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings*. Co-authored “Construction Lien Law in Arizona, A Practice Manual.”

Speaking Presentations:

- “Career and Industry Insights”, Arizona State University’s Sandra Day O’Connor School of Law (Dec. 16, 2022)
- “Cannabis Social Equity”, The State Bar of Arizona Convention (Jun. 27, 2022)
- “God and Mushrooms: Psychedelics, Religion and the First Amendment,” *Cannadelic Miami* (Feb. 5, 2022)

“How Big Money is (already) Playing Psychedelics,” Meet Delic (Nov. 7, 2021)
“Leading AZ Attorneys Review Lawsuit Against 2020 Adult Legalization Initiative,” Marijuana Trade Industry Association’s virtual town hall meeting (Aug. 6, 2020)
“The Intersection of Marijuana and Bankruptcy,” Arizona Bankruptcy American Inn of Court (Feb. 19, 2020)
“Arizona’s Burgeoning Cannabis and Hemp Industry,” Arizona Society of CPAs (Feb. 13, 2020)
Co-Presenter, “On a Need to Know Basis: What Construction Lawyers Need to Know about Marijuana Law,” State Bar of Arizona

Mediation Rate	\$400 Per Hour
Languages	English
Citizenship	United States of America
Locale	Tempe, AZ

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator’s resume. If you have any questions about a mediator’s experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.