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## Services

- Business Law Litigation
- Fidelity & Surety Law
- Business Bankruptcy & Creditors' Rights
- Insurance Defense & Coverage
- Employment Law
- Appellate
- Attorney Regulation & Ethics

# Joseph A. Brophy

Joseph Brophy is a commercial litigator whose practice areas include complex business disputes, creditors' rights, surety and fidelity law, bankruptcy, construction law, appellate and insurance defense. He represents individuals, businesses and institutional creditors, as well as sureties and contractors in state, federal and bankruptcy court actions, as well as in arbitrations and administrative hearings.

Joe joined the firm in February 2009 and became a partner in 2014.

## Bar Admissions

- » Arizona
- » New Mexico

## Education

**University of San Diego School of Law**, J.D., *cum laude*, *Order of the Coif* (2008)

**University of San Diego**, B.A. (2000)

## Professional Associations & Memberships

### State Bar of Arizona, Member

- » Ethics Advisory Group
- » Construction Law Section, Executive Council (2018–Present)
  - Budget Officer (2022–2023)
  - Secretary (2021–2022)
  - Member-at-Large (2018–2019)

### American Bar Association, Member

- » Tort & Insurance Practice Section, Surety & Fidelity Law Committee Member (January 2013–Present)
- » Business Law Section, Uniform Commercial Code Young Lawyers Subcommittee, Chair (September 2016–Present)

### Surety Association of Arizona, Member (2015–Present)

**Arizona Center for Civic Leadership**, Flinn-Brown Civic Leadership Academy, Fellow (2016)

**Arizona Association of Defense Counsel**, Member

## Published Works

- » Author, "Q&A Lawyer Liability and Ethics: Rule 8.4(g) Upheld" legal ethics column for the **Maricopa Lawyer** (April 2024)

## Published Works (cont.)

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- » Author, "[Q&A Lawyer Liability and Ethics: Fani's Fling](#)" legal ethics column for the **Maricopa Lawyer** (March 2024)
- » Author, "[Q&A Lawyer Liability and Ethics: Florida and California Weigh In on AI](#)" legal ethics column for the **Maricopa Lawyer** (February 2024)
- » Author, "[Q&A Lawyer Liability and Ethics: ChatGPT Claims Another Victim](#)" legal ethics column for the **Maricopa Lawyer** (January 2024)
- » Author, "[Q&A Lawyer Liability and Ethics: California Judge Defends Lawyer Speech](#)" legal ethics column for the **Maricopa Lawyer** (December 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: ABA Bends the Knee and Amends ER 1.16](#)" legal ethics column for the **Maricopa Lawyer** (October 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: Skynet Smiles — The Courts Start to Address AI](#)" legal ethics column for the **Maricopa Lawyer** (August 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: Dispute Among Federal Circuit Judges Highlights Issues With Aging](#)" legal ethics column for the **Maricopa Lawyer** (July 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: California Scheming](#)" legal ethics column for the **Maricopa Lawyer** (May 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: New Mexico Adopts Objective Standard for ER 8.2](#)" legal ethics column for the **Maricopa Lawyer** (April 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: Prosecutors Do Not Have Higher Ethical Standards for Personal Conduct](#)" legal ethics column for the **Maricopa Lawyer** (March 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: Kansas Supreme Court Skeptical About Discipline for Golf Cart Accident](#)" legal ethics column for the **Maricopa Lawyer** (February 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: Court Declines to Impose Reciprocal Discipline](#)" legal ethics column for the **Maricopa Lawyer** (January 2023)
- » Author, "[Q&A Lawyer Liability and Ethics: California Not Ready for Alternative Legal Structures](#)" legal ethics column for the **Maricopa Lawyer** (December 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: 2020 Election Case Explores the Boundaries of Rule 11](#)" legal ethics column for the **Maricopa Lawyer** (November 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Skunks, Lawyers, and Videotape](#)" legal ethics column for the **Maricopa Lawyer** (October 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Resolution From the ABA Implicitly Criticizes Arizona's Ethical Rules](#)" legal ethics column for the **Maricopa Lawyer** (September 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Litigation Privilege Provides Tort Immunity for False Statements to Court](#)" legal ethics column for the **Maricopa Lawyer** (August 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Movement Underway to allow Lawyers to Practice in Any State](#)" legal ethics column for the **Maricopa Lawyer** (July 2022)

## Published Works (cont.)

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- » Author, "[Q&A Lawyer Liability and Ethics: Keep Your Opinions to Yourself — Court Splits Over Limits of ER 8.2](#)" legal ethics column for the **Maricopa Lawyer** (June 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: From Russia with Love—Lawyer Beats Conflict of Interest Charge](#)" legal ethics column for the **Maricopa Lawyer** (May 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Dispute Over Payment of Sanctions Reveals Ambiguity in ER 1.8](#)" legal ethics column for the **Maricopa Lawyer** (April 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Court Admonished Over Revocation of Pro Hac Vice Application](#)" legal ethics column for the **Maricopa Lawyer** (March 2022)
- » Author, "[Q&A Lawyer Liability and Ethics: Here Is What You Can Do with Your Negative Review](#)" legal ethics column for the **Maricopa Lawyer** (February 2022)
- » Author, "[9th Circuit Weighs In on Dual Purpose Attorney Client Communications](#)" legal ethics column for the **Maricopa Lawyer** (January 2022)
- » Author, "[The Ethics of Facebook Cont'd: Murder Edition](#)" legal ethics column for the **Maricopa Lawyer** (December 2021)
- » Author, "[Regarding Rudy](#)" legal ethics column for the **Maricopa Lawyer** (October 2021)
- » Author, "[Truth in Advertising](#)" legal ethics column for the **Maricopa Lawyer** (September 2021)
- » Author, "[Judge's Attendance at Protests or Rallies is Problematic](#)" legal ethics column for the **Maricopa Lawyer** (July 2021)
- » Author, "[Reply All](#)" (Part 2) legal ethics column for the **Maricopa Lawyer** (June 2021)
- » Author, "[ABA Provides Guidance on Material Adversity and Former Clients](#)" legal ethics column for the **Maricopa Lawyer** (March 2021)
- » Author, "[ABA Rule 8.4\(g\) Struck Down by Federal Court](#)" legal ethics column for the **Maricopa Lawyer** (January 2021)
- » Author, "[Ethical Cannabis Lawyering](#)" legal ethics column for the **Maricopa Lawyer** (December 2020)
- » Author, "[The Lawyer and the Ostrich](#)" legal ethics column for the **Maricopa Lawyer** (September 2020)
- » Author, "[Judges and Politics](#)" legal ethics column for the **Maricopa Lawyer** (July 2020)
- » Author, "[The Dangers of Facebook Friending...Continued](#)" legal ethics column for the **Maricopa Lawyer** (June 2020)
- » Author, "[Federal Judicial Ethics Committee's Misguided Priorities](#)" legal ethics column for the **Maricopa Lawyer** (March 2020)
- » Author, "[The Ethics of Judicial Relationships](#)" legal ethics column for the **Maricopa Lawyer** (January 2020)
- » Author, "[Not All Judges are Created Equal](#)" legal ethics column for the **Maricopa Lawyer** (October 2019)
- » Author, "[Arizona Joins Other States in Examining Rules on Partnering with Non-Lawyers](#)" legal ethics column for the **Maricopa Lawyer** (September 2019)
- » Author, "[When Does a Threat of Criminal Prosecution Become Extortion?](#)" legal ethics column for the **Maricopa Lawyer** (July 2019)
- » Author, "[Can a Client Order You to Not Keep a Copy of the File?](#)" legal ethics column for the **Maricopa Lawyer** (June 2019)

## **Published Works (cont.)**

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- » Author, "[Why Can't We Be Friends?](#)" legal ethics column for the **Maricopa Lawyer** (April 2019)
- » Author, "[California Reconsiders Ethical Rules and Legal Business Models](#)" legal ethics column for the **Maricopa Lawyer** (March 2019)
- » Author, "[My Firm Was Hacked. Now What?](#)" legal ethics column for the **Maricopa Lawyer** (January 2019)
- » Author, "[Manufactured Disqualification of Experts and Counsel](#)" legal ethics column for the **Maricopa Lawyer** (December 2018)
- » Author, "[This is a Recording - Can Lawyers Record Conversations?](#)" legal ethics column for the **Maricopa Lawyer** (October 2018)
- » Author, "[Should Arizona Adopt ABA Rule 8.4\(g\)](#)" legal ethics column for the **Maricopa Lawyer** (August 2018)
- » Author, "[Breaking Up Is Hard To Do: When Partners Leave](#)" legal ethics column for the **Maricopa Lawyer** (June 2018)
- » Co-Author, **Managing and Litigating the Complex Surety Case**, Third Edition for the **American Bar Association** (2018); co-authors of Chapter 12, "*Navigating In and Around Bankruptcy*," are Jennings Haug Cunningham partners Joseph Brophy, Matthew Sloan and Chad Schexnayder.
- » Co-Author, "*Surety and Bankruptcy*," **New Appleman on Insurance Law Library Edition** (2017)
- » Author, "*New Bern v. Travelers Casualty and Surety Company of America: Can the Surety Really Be Liable When the Principal Is Not?*" **Surety & Fidelity Law Committee Newsletter** (Winter 2017)
- » Contributing author, **State-By-State Guide to Architect, Engineer and Contractor Licensing** (2nd Ed.) (Arizona Chapter and Annual Supplements), Wolters Kluwer – Aspen Law (2015)
- » Contributing Author, **50 State Contractor Licensing and Architect Registration**, (Arizona chapter), Aspen Law Publications (2015 and annual supplements)
- » Author, "*Arizona Appellate Court Rejects Developer's Attempt to Force County to Make Subdivision Bond Claim*," **Surety & Fidelity Law Committee Newsletter** (Fall 2014)
- » Editor, **The Quick Reference Guide to Western States Surety & Fidelity Law**, WSSC, LLC (2014)
- » Author, "*The Municipal Bankruptcy: Chapter 9 Issues for Sureties*," **Surety Claims Institute Newsletter** (Sep. 2013)
- » Contributing Author, **50 State Construction Lien and Bond Law**, (Arizona chapter), Aspen Law Publications (2013 and annual supplements)
- » "*Month in Review: January 2009*," **ABA Criminal Litigation Committee** (February 2009)

## **Honors & Awards**

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- » Selected for inclusion in The Best Lawyers in America® – Ones to Watch List (2022)
- » Named to the **Southwest Super Lawyers** list (2019–2020)
- » Recognized as **Southwest Super Lawyers** Rising Star (2012–2018)

## **Community Involvement**

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**Madison Education Foundation**, Executive Board Member and Secretary (September 2014–Present)

**Veterans of Foreign Wars**, Member

**Veterans Heritage Project**, Board Member (July 2017–Present)

**Arizona Veterans' Advisory Commission**, Commissioner (July 2016–2019 Term)

**University of San Diego Torero Club**, Member (October 2012–Present)

## **Classes & Seminars**

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- » Co-Presenter, *"Apologies from Arizona: Thirty Years after Dodge,"* **Western States Surety Conference** (April 2019)
- » Co-Author and Speaker, *"Competing Rights and Claims to Construction Contract Proceeds and Other Collateral,"* **ABA Business Law Section Annual Meeting** (2017)
- » Speaker, *"Preventing Business Contract Disputes,"* **National Business Institute** (June 2016)
- » Speaker, *"Construction Law: What Do You Do When.....?"* **National Business Institute** (May 2016)
- » Speaker, *"Meet My New Friend: The Uniform Voidable Transaction Act,"* **Western States Surety Conference**, Seattle, Washington (May 2016)
- » Speaker, *"Construction Defects: A Step-by-Step Guide to Unravelling Claims,"* **National Business Institute** (July 2015)
- » Speaker, *"Arizona's Daubert Rule 702,"* **Arizona Association of Defense Counsel** (March 2015)
- » Speaker, *"Don't Treat Me Bad: Dealing with Principal and Indemnitor Fraud,"* **Western States Surety Conference**, Seattle, Washington (May 2014)
- » Paper Presented, *"Salvage: Getting to the Principal's Tax Refunds,"* **Western States Surety Conference**, Seattle, Washington (May 2010)