



PIERCE | COLEMAN

7730 E. Greenway Road, Suite 105
Scottsdale, Arizona 85260

2812 N. Norwalk, Suite 107
Mesa, Arizona 85215

Justin S. Pierce
Stephen B. Coleman
Aaron D. Arnson
Trish Stuhan
Christina Estes-Werther
Jon M. Paladini
Dominic Versteegen
Michelle N. Stinson

January 5, 2023

VIA EMAIL AND CERTIFIED MAIL

Richard Karwaczka
County Administrator
Cochise County
1415 Melody Lane
Building G
Bisbee, AZ 85603
RKarwaczka@cochise.az.gov

Re: Payment of Legal Services Invoice

Dear Mr. Karwaczka:

I am a principal and founding member Pierce Coleman PLLC (the “Firm”). This letter concerns action taken by the Cochise County Board of Supervisors (the “Board”) to delay payment for legal services rendered by the Firm. The Firm respectfully requests immediate payment to avoid legal action.

In October 2022, the Board held a series of meetings that ultimately resulted in the Board voting to direct County Recorder David Stevens to conduct a full hand-count audit of all ballots cast in the November 8, 2022 election. On October 31, 2022, a special action lawsuit was filed against the Board, Recorder Stevens, and County Elections Director Lisa Marra in *Arizona Alliance of Retired Americans, Inc. et al. v. Crosby et al.*, Cochise County Superior Court Case No. CV202200518, to enjoin the County from conducting an audit that was inconsistent with Arizona law.

On November 2, 2022, Chief Civil Deputy County Attorney Christine Roberts contacted the Firm to represent Director Marra’s interests in the lawsuit, as her interests diverged from those of the other Defendants. The Firm provided an engagement letter, which was signed and returned by County Attorney Brian McIntyre the same day. [Engagement Letter, Attachment 1] Because of the nature of the lawsuit, including the exceptionally accelerated briefing and hearing schedule, the Firm’s attorneys were required to perform significant work in a very short time. Among many other things, this included filing an answer to the Plaintiffs’ complaint and a response to Plaintiffs’ application for preliminary injunction and order to show cause by 12 p.m.

ATTORNEY CONTACT:

Justin S. Pierce
Direct Line: 602-772-5507
Email: Justin@PierceColeman.com

Tel.: 602-772-5506

Fax: 877-772-1025

Website: www.piercecoleman.com



on November 3 and preparing and appearing for an evidentiary hearing in Bisbee on November 4.

In all, the Firm billed \$30,715.50 in fees and expenses litigating this matter. The Firm provided an invoice to Ms. Roberts for payment on December 12, 2022. At its December 27, 2022 meeting, the Board voted to table consideration of approval of the Firm's invoice until its January 24, 2023 meeting.

The engagement letter is a binding contract between the Firm and the County, entered into with the actual or apparent authority of the principals of the respective parties. The Firm is indisputably owed \$30,715.50 for services rendered. As an important aside, in our experience with other firms relating to similar short timeframe briefing and hearing schedules, we have seen those firms bill upwards of \$100,000 for such work. Our billings are a fraction of what other firms would likely have charged the County.

I trust that the Board will approve payment of the Firm's invoice at the January 24 meeting. Should the Board fail to do so, however, please be advised the Firm will avail itself of all available remedies, up to and including instituting legal action to compel payment. Please be further advised that the Firm would also seek an award of its fees and would almost certainly be entitled to an award of its fees, pursuant to A.R.S. § 12-341.01(A), should it be required to bring such an action.

Sincerely,

/s/Justin S. Pierce

Justin S. Pierce
Pierce Coleman PLLC

JSP/maw

Enclosure: As noted

cc: Ann English, District 2 County Supervisor, Chair (via email)
Peggy Judd, District 3 County Supervisor, Vice-Chair (via email)
Tom Crosby, District 1 County Supervisor (via email)
Tim Mattix, Clerk of the Board (via email)
Brian McIntyre, County Attorney (via email)



PIERCE | COLEMAN

7730 E. Greenway Road, Suite 105
Scottsdale, Arizona 85260

2812 N. Norwalk, Suite 107
Mesa, Arizona 85215

Justin S. Pierce
Stephen B. Coleman
Aaron D. Arnsen
Trish Stuhan
Christina Estes-Werther
Jon M. Paladini
Dominic L. Versteegen
Michelle N. Stinson

November 2, 2022

Brian M. McIntyre, County Attorney
Cochise County Attorney's Office
150 Quality Hill Rd.
P.O. Drawer CA
Bisbee, AZ 85603

Email: BMcIntyre@cochise.az.gov

**Re: Election Matters - Limited Representation of Lisa Marra in Her
Official Capacity as Elections Director**

Dear Brian:

We are pleased that the Cochise County Attorney's Office ("County Attorney") has decided to retain Pierce Coleman PLLC for representation in connection with the emergency election lawsuit. I am writing to address the terms of our representation.

Scope of Services

We understand that our assignment is to represent Lisa Marra, the Elections Director, in an emergency election matter filed by the Arizona Alliance of Retired Americans, Inc. and Stephani Stephenson involving the County Board of Supervisors' directive to conduct a hand count of ballots in the November 8, 2022 general election.

Fees

I will be the primary attorney handling this matter but will utilize other attorneys and legal assistants in the firm in the best exercise of my professional judgment and in order to most efficiently and effectively provide the necessary representation in this case. As we discussed, we will extend to the County Attorney the most recent discounted hourly rates that we are extending to our other governmental clients. Those hourly rates for Partners and Of Counsel is \$295.00; Associate rate is \$225.00; Law Clerk and Paralegal rate is \$125.00. If you ever have any questions or concerns about fees at any time, please feel free to contact me.

ATTORNEY CONTACT:
Christina Estes-Werther
Direct Line: 602-772-5524
Email: Christina@PierceColeman.com

Tel.: 602-772-5506
Fax: 877-772-1025
Website: www.piercecoleman.com



Disbursements

We bill disbursements back to you on a dollar-for-dollar basis. We request reimbursement for travel-related expenses, including lodging, air travel, cab or ride-share fares, parking fees, and mileage. We do not request reimbursement for meals. We also request reimbursement for photocopying costs at \$.10 per page, postage, messenger service, and delivery charges where material must be sent via certified, registered, or express mail or package carrier. Finally, we may request that third party charges, such as court reporter fees and expert fees, be paid directly by the County Attorney.

Billing

We send invoices to our clients monthly via e-mail. The billing will contain a brief summary of the nature of the work, the fees and the costs advanced. For timeliness sake, we will do our best to send invoices for services rendered and expenses incurred on your behalf no later than two weeks after the completion of the month in which the work is performed.

Applicable Law

This agreement shall be interpreted according to the laws of the State of Arizona.

We very much appreciate the opportunity to represent Ms. Marra in her official capacity here, and hope you will be pleased with the quality and efficiency of our work. We welcome your questions about this letter, our policies, our bills and our work, so please call me directly if you ever have any questions. In order to confirm the County Attorney's agreement to our representation on these terms, we ask that you sign below and return this letter to us.

Please let me know if you require any further information.

Sincerely,

/s/ Christina Estes-Werther

Christina Estes-Werther

CEW/maw

AGREED:

COCHISE COUNTY ATTORNEY OFFICE

By: 

Title: Cochise County Attorney

Date: 11/2/22