



JOSEPH POPOLIZIO

PARTNER

Arizona

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Areas of Practice:

Corrections Defense
General Civil Litigation
Governmental Liability
Premises Liability
Product Liability Defense
Wrongful Death & Personal Injury Defense

Industries Served:

Government & Public Entities
Insurance

Joe Popolizio maintains a diverse, complex litigation practice representing public and private sector clients in the areas of governmental liability, civil rights, law enforcement and corrections defense, wrongful death, automobile and premises liability, and personal injury. Joe's legal experience is diverse, as he began practicing in the small firm setting where he handled a myriad of legal matters and issues. He prides himself in his personal approach in representing and concern for his clients.

Representing public entities, Joe defends governmental entities, law enforcement personnel, elected officials, municipalities, and private correctional facilities in cases involving claims for civil rights violations under 42 U.S.C. § 1983, including wrongful death and excessive force claims in police and detention settings, as well claims for racial profiling and discriminatory policing under Title VI and 42 U.S. Code § 14141. Joe has also defended governmental clients in complex, high-profile matters involving the Department of Justice and the ACLU.

For clients in the private sector, Joe is experienced representing business owners and corporations in cases involving commercial tort law, including interference with business advantage, defamation, tortious interference with contractual relationships, community association issues, and product liability. His representation of companies in these areas and risk management, combined with his extensive jury trial and arbitration experience, is well recognized. Joe's ability to handle a myriad of complex civil litigation matters has been a hallmark of his career.

REPRESENTATIVE CASES

- *United States of America v. Maricopa County, et al*, U.S. District Court, District of Arizona, CV12-00981-PHX-ROS
The United States Department of Justice Civil Rights Division brought this Title VI investigation and resulting action against former Maricopa County Sheriff Joe Arpaio and Maricopa County. The DOJ easily forced most other municipalities and law enforcement entities into consent decrees in law enforcement and jail settings. However, Joe defended the DOJ's accusations vigorously, and was prepared for trial on allegations of retaliation, racial profiling, and discrimination against Spanish speaking inmates. The DOJ withdrew and the result was no consent decree and no court appointed monitor assigned to oversee MCSO jails or law enforcement operations stemming from this action. Instead, the DOJ entered into an unprecedented settlement agreement, allowing the Maricopa County Sheriff's Office to adopt only minor policy changes and to continue to operate its jails the way it had been operating them. Of special note, Joe helped develop a cutting edge LEP (Limited English Proficiency) Unit and Program within the Maricopa County Jails that is unrivaled in any jurisdiction or facility, including federal facilities. As a result of his representation, the DOJ discontinued its oversight of the Maricopa County Jails due to these changes and innovations that Joe helped implement.
- *United States of America v. Joseph M. Arpaio, et al.*, U.S. District Court, District of Arizona, No. CV10-01878-PHX-GMS
The United States Department of Justice sued Maricopa County Sheriff Joe Arpaio for access to personnel, documentation, and facilities. Joe assumed the representation of this contentious matter and secured a settlement agreement and dismissal of the action which gave the United States only reasonable rather than unfettered access to the Maricopa County Jails.
- *Gotbaum v. City of Phoenix*, 617 F. Supp. 2d 878 (D. Ariz. 2008)
Joe successfully defended the City of Phoenix in a high-profile, nationally-covered wrongful death action stemming from the in custody death of New York socialite, Carol Gotbaum. Although Plaintiff's demand was in the multi-millions and despite negative media coverage, the case settled for a nominal amount. In addition, Joe's motion practice resulted in a reported decision on an issue on which the Plaintiffs and defense bar were in dispute—whether the Phoenix Police Department could be sued. The result was that the Phoenix Police Department was deemed not to be a jural entity and, therefore, could not be sued. This decision greatly reduced exposure to the client in this and future lawsuits, and paved the way for a similar decision for another governmental entity.
- *Manuel de Jesus Ortega Melendres, et al v. Joseph M. Arpaio, et al*, U.S. District Court, District of Arizona, CV-0702513-PHX-GMS

With a court appointed monitor already in place, Joe took over the compliance arm of this action to deal with the demands by the court appointed monitor's team, the ACLU, and the DOJ. Within several months of assuming this role, Joe and his team restructured the client's approach, developed a compliance system for the client, and cleared the backlog of monitor requests. This placed the client in a position to work on eliminating monitor, as well as monitor, DOJ and ACLU oversight and control of Maricopa County Sheriff's Office (MCSO) law enforcement operations. Joe worked with law enforcement professionals to revamp MCSO policies and training lesson plans. Joe also assumed the discovery and depositions for the contempt hearing underway against Sheriff Joe Arpaio and MCSO command and staff.

CIVIC & COMMUNITY ASSOCIATIONS

- The Leukemia & Lymphoma Society, Team in Training Participant (two marathons and two centuries; Past CT Board Member) and Recipient of "Rock Star Status" Award for Exceptional Fundraising
- Courthouse Experience, 2000 – 2003
- Volunteer Lawyers Program, 1996 – 1998

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Maricopa County Superior Court Judge Pro Tempore, 2013-Present
- PRIMA (Public Risk Managers Association), 2011-Present
- State Bar of Arizona, Professionalism Committee, 2011-2012
- Defense Research Institute, Lawyers' Professionalism and Ethics Committee; Past Vice Chair, Webinar Committee
- Maricopa County Superior Court Bench, Bar Committee, Past Participant
- Arizona Association of Defense Counsel, Member
- *Arizona's Finest Lawyers*, Sustaining Member, 2015-Present

PROFESSIONAL RECOGNITION & AWARDS

- *Best Lawyers in America*®, Personal Injury Litigation – Defendants, 2021-2022
- Listed, *Arizona's Finest Lawyers*
- Trial Courts in Maricopa County Award for Significant Contributions to the Administration of Justice, Law Day, May 2003

PRESENTATIONS & PUBLICATIONS

- Professionalism Course, State Bar of Arizona, Instructor, February 2022
- "[First Amendment Rights: Civil Unrest & Social Issues on Campus](#)," Co-Presenter, Community College Risk Management Summit, November 2021
- "[Police Liability in the Court of Public Opinion](#)," Co-Presenter, PRIMA Institute, October 2021
- "[Police Liability in the Court of Public Opinion](#)," Co-Presenter, PRIMA Institute, July 2021
- "[Excessive Force Cases: A Deeper Look at the Future of Law Enforcement Policy](#)," Co-Presenter, 2021 PRIMA Virtual Conference, June 2021
- "Multiple Client Representation CLE: Ethical Pitfalls, Applications & Practical Considerations, JSH lawyers, June 2021
- "[First Amendment Issues: Do Actions Speak Louder Than Words?](#)," Co-Presenter, PRIMA Institute Virtual Conference, October 2020
- "Section 1983 Claims: Judgment Call or Judgment Day?," Co-Presenter, AADC Monthly Advocacy Luncheon, February 2020
- "Police Action: Media Portrayal, Law and Reality," Co-Presenter, Public Risk Management Association, 2019 PRIMA Institute
- "Police Action: Media Portrayal, Law, & Reality," Co-Presenter, PRIMA 2018 Annual Conference, June 2018
- "[2018 Changes in the Civil Procedure Rules: Practical Effects of the Changes](#)," Co-Author, The JSH Reporter, Spring 2018
- "Trial is Different—Trial Practice Do's and Don'ts," Co-Presenter, Arizona Paralegal Association's 2018 Annual Legal Conference, April 2018
- "Is Perception Reality OR Is Reality Truly Perceived? Media Coverage and Police Brutality Cases," Co-Presenter, PRIMA 2017 Annual Conference, June 2017
- "Social Media in Litigation, Friend or Foe," Co-Presenter, Arizona PRIMA Chapter Meeting, December 2016
- "Anatomy Of A Lawsuit" Co-Presenter, 2016 PRIMA Summer Education Series, July 2016
- "Work Comp and General Liability Claims Issues," Co-Presenter, 2015 PRIMA Summer Education Series, July 2015
- "Rapid Fire Drill – AZ Case Law Updates," Presenter, JSH Seminar, October 2013
- "Defending Police Liability Claims," Presenter, Arizona Association of Defense Counsel, 2013
- "1983 Claims: Judgment Call or Judgment Day?" Co-Presenter, Arizona Public Risk Association's Summer Educational Series, Flagstaff, September 2013
- "Handling the Police Liability Claim: An Overview of State Law and 42 U.S.C. Section 1983 Actions Against Police Departments and Officers," Presenter, National Business Institute, Handling the Police Liability Claim, May 2013
- "Ethical Pitfalls of Multiple Client Representation," Co-Presenter, Arizona Counties Insurance Pool's Sixteenth Annual Public Practice Legal Seminar, May 2013
- "1983 Claims: Judgment Call or Judgment Day," Co-Presenter, Arizona Counties Insurance Pool's Sixteenth Annual Public Practice Legal Seminar, May 2013

- “Overview of Police Liability Claims,” Presenter, The Arizona Paralegal Association Spring Seminar, May 2013
- “Ethical Pitfalls of Multiple Client Representation,” Co-Presenter, JSH Current Issues in Government Liability Seminar, November 2012
- “Excessive Force: Judgment Call or Judgment Day,” Co-Presenter, JSH Current Issues in Government Liability Seminar, November 2012
- “Police Liability Claims,” Presenter, National Business Institute, Legal Issues Involving Local Governments, October 10, 2012
- “Course on Professionalism,” Presenter, State Bar of Arizona, 2012
- “Appropriate Application of Comparative Fault Principles Under A.R.S. Section 12-2506,” Speaker, PRIMA Summer Educational Series, August 2011
- “Are You Talking About Me? An Overview of Defamation Law,” Speaker, Arizona Paralegal Association Seminar, April 2008

- “Defamation: When Disparaging Statements Result in Liability,” Co-Author, JSH Reporter, Spring 2008

EDUCATION

Western New England College School of Law, J.D., 1990

Boston College, B.A., Independent Major in American Studies, Political Science and History, *cum laude*, 1986

BAR ADMISSIONS

Arizona, 1996

U.S. District Court, District of Arizona, 1996

Colorado River Indian Tribes Tribal Court, 2012

White Mountain Apache Tribal Court, 2018

U.S. District Court, District of Connecticut, 1992

United States Court of Appeals for the Ninth Circuit

Connecticut (Inactive)

District of Columbia (Inactive)

U.S. District Court, District of Columbia (Inactive)