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# MICHAEL HARWIN

ATTORNEY AT LAW

RESUMÉ

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A PROFESSIONAL CORPORATION  
250 NORTH MEYER AVE  
TUCSON, ARIZONA 85701

TEL: 520-624-3500

FAX: 520-624-9207

MICHAEL@MICHAELHARWIN.COM

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## EDUCATION

- 1994 J.D., *summa cum laude*, University of Arizona College of Law. Rank: 8/155; G.P.A. 3.67.
- 1990 Master of Fine Arts (M.F.A.), Creative Writing, University of Arizona (G.P.A. 3.72).
- 1984 B.A. *magna cum laude* (G.P.A. 3.63), State University of New York, College at Potsdam. Major: English.

## AWARDS & HONORS

- 2011 Listed in *Tucson Lifestyle Magazine* (June 2011) as one of “*Tucson’s Top Lawyers*”: *White Collar Crime* and *Criminal Defense*.
- 2011 Fellowship, *Litigation Counsel of America*® (LCA). [[www.litcounsel.org](http://www.litcounsel.org)].
- 2006-11 AV® rated, *Martindale-Hubbell* (Bar Registry of Preeminent Lawyers®) [[martindale.com](http://martindale.com)].
- 2010 Rated “10/10” “*Superb*” AVVO [[www.avvo.com](http://www.avvo.com)].
- 2008-10 Listed in “The Best Lawyers In The U.S.”® 2008, by *Best of U.S. Inc.* [[www.bestofus.com](http://www.bestofus.com)].
- 1994 *Order of the Coif*.

- 1993 Note Editor, *Arizona Law Review*.
- 1993 Author, *Detaining for Danger under the Bail Reform Act of 1984: Paradoxes of Procedure and Proof*, 35 *Ariz. L. Rev.* 4 (Winter 1993).
- 1993 *Snell and Wilmer Award* for Best Note Published in *Arizona Law Review*, 1993-1994.
- 1991-93 *American Jurisprudence Awards* (top grades in selected classes):
- Corporations (Fall 1993)
  - Constitutional Law (Fall 1992)
  - Civil Procedure (Fall 1991).
- 1984 *Department Scholar*, English, State University of New York, Potsdam.
- 1982-84 *Sylvia Angus Memorial Creative Writing Awards*, State University of New York, Potsdam:
- Academic Year 1983-84
  - Academic Year 1982-83.

## EXPERIENCE

- 2000-2001 ASSISTANT ADJUNCT PROFESSOR OF LAW, University of Arizona College of Law. Substantive graded courses, Legal Analysis & Reasoning (original syllabus).
- 1998- Present MICHAEL AARON HARWIN, P.C., 250 North Meyer Avenue, Tucson.  
Litigation practice.
- 1995-97 ASSISTANT CITY PROSECUTOR, City of Phoenix.  
Trial Bureau assignment. Completed 56 jury trials.
- 1993-94 MENDELSON, OSERAN, MANCE & EISNER, P.C., Tucson, Arizona.  
Associate, beginning September 1994 (commercial real estate transactions & litigation; commercial bankruptcy and RTC/FDIC related litigation); Law Clerk, Summer 1993.
- 1991 PIMA COMMUNITY COLLEGE, Tucson.

Associate Faculty in Writing.

- 1987-90      **UNIVERSITY OF ARIZONA**, Tucson.  
Graduate Assistant in Teaching, Department of English; 14 sections, English 101-02 & 210 undergraduate writing courses.

## **COMMUNITY SERVICE**

- 2003-04      Delegate Selection Chair, Presidential Election, Pima County Democratic Party.
- 1994          Board of Directors, Lawyers Against Hunger, Tucson, Arizona.  
Organization raises funds for the Tucson Community Food Bank.
- 1992          Participant, Southern Arizona Civil Rights Coalition, Tucson, Arizona.
- 1991          Staff, Casa De Los Ninos, Tucson, Arizona.  
Served as direct care provider in crisis shelter for children.
- 1985-91      Firefighter, U.S.D.A. Forest Service, Kamiah, Idaho; National Park Service, Sequoia-Kings Canyon National Parks, Three Rivers, CA.
- 1981-82      Wilderness Ranger, New York State Department of Environmental Conservation, Ray Brook, N.Y (Region 5, Pharaoh Lake Wilderness Complex).

## **PROFESSIONAL ASSOCIATIONS**

- 1998-08      American Bar Association, Federal Bar Association; American Immigration Lawyers Association; National Association of Criminal Defense Lawyers.

## **ADMISSIONS**

Arizona, Colorado, Western District of Texas, 5<sup>th</sup> and 9<sup>th</sup> Circuits.

## **LANGUAGES**

Spanish

## LAW ENFORCEMENT REPRESENTATION

In litigation or administrative actions officers with: United States Border Patrol; United States Customs; Tucson Police Department (TPD); Pima County Sheriff's Office; Arizona Department of Public Safety (DPS); Arizona Department of Corrections (DOC); USGOA Local 183; Arizona National Guard; Pima County Superior Court Pretrial Services.

## CURRENT PRACTICE: AGENCY & TRIBUNAL

- 2000-11      Appearances before or litigation involving following federal agencies/divisions: HUD Office of Inspector General (HUD-OIG); FDA (CFSAN), Washington, D.C.; IRS (Criminal Investigation Division & D.O.J. tax division); IRS Civil Division, Phoenix; United States Department of Justice, Asset Forfeiture & Money Laundering Section (AFMLS, Washington, D.C.); ICE (Immigration and Customs Enforcement) Washington, D.C., Phoenix, Sierra Vista, Tucson; CBP (United States Customs and Border Protection); FAA (Federal Aviation Administration); United States Secret Service.
- 2001-11      Matters receiving media attention: *Hurles v. Ryan*, 08-99032 (9<sup>th</sup> Cir. 7/11/11) (holding due process violation where trial judge improperly participated in proceedings, vacating death penalty (Wall St. Journal, ABC News, Associated Press, Reuters, Atlanta Journal Constitution); *United States vs. Chan et. al.* Case No. 06-00054-TUC-CKJ [U.S. Dist. Court] (CNN) [reported as \$82 million dollars in counterfeit Nike athletic shoes smuggled into the United States from China]; *United States v. Ramon de Harvey*, Case No. 04-03323M-TUC-JCC [U.S. Dist. Court] (Fox News/The O'Rielly Factor) [federal alien smuggling indictment]; *United States v. Shipley, et al.*, Case No. CR 02-1618-TUC-DCB-CRP [U.S. Dist. Court] (CNN) [matter involving outbreak of Salmonella linked to produce]; *United States v. Livdahl, et al.* No. 05-M-7609, [U.S. Dist. Court] [physicians indicted for marketing misbranded Botox]; *United States v. Golden State Bus Lines, et al.*, Case No. \_\_\_\_\_ (U.S. Dist. Court) (alien smuggling conspiracy); *Kelava v. Gonzales*, 9<sup>th</sup> Cir. Case No. 03-73689 (Associated Press) [reported as terrorism matter]; *United States v. Brooks*, Case No. CR-99-721 (U.S. Dist. Court) (Wall Street Journal) (alien

smuggling conspiracy); *State v. Guarriello*, Case No. CR 2002-1640 (Pima County Superior Court) (Corrections Officer indicted for homicide); *United States v. Nassar Al Haribi, et al.*, case No. CR02-00880-TUC-CKJ (GEE) (U.S. Dist. Court) (New York Times) [wire fraud].

2000-01 Appearances in the following jurisdictions: United States District Court (Phoenix; Tucson; El Paso); Graham County Superior Court; Cochise County Superior Court; Santa Cruz County Superior Court; Pima County Superior Court; Pinal County Superior Court; Maricopa County Superior Court; and geographically (southeast to northwest): Douglas Municipal Court; Safford J.P. Court; Wilcox J.P. Court; Sierra Vista J.P. Court; Sierra Vista Municipal Court; Sonoita J.P. Court; Benson Municipal Court; Nogales J.P. Court; Nogales City Court; Ajo J.P. Court; Green Valley J.P. Court; Sahuarita Municipal Court; South Tucson Municipal Court; Tucson City Court; Pima County Consolidated J.P. Courts (Tucson); Ajo Justice Court; Oro Valley Municipal Court; Marana Municipal Court; Eloy J.P. Court; Casa Grande J.P. Court; Oracle J.P. Court; Mesa City Court; East Mesa Justice Court (Judge Lester Pearce); Chandler City Court; Gilbert Municipal Court; Tempe City Court; Phoenix City Court; Phoenix J.P. Courts (downtown, Glendale and westside); Avondale Municipal Court; Buckeye Municipal Court; Surprise Municipal Court; Ironwood Justice Court (Gila Bend); Hassayampa Justice Court; Wickenburg J.P. Court; Quartzite Justice Court; Yuma Justice Court.

2005-11 Published Opinions: *Kelava v. Gonzales*, 410 F.3d 625 (9<sup>th</sup> Cir. 2005) *amended and superseded by Kelava v. Gonzales*, 434 F.3d 1120 (2006); *Hurles v. Ryan*, No. 08-99032 (9<sup>th</sup> Cir. July 7, 2011) (holding that trial judge impermissibly and unconstitutionally enmeshed in proceedings, raising unacceptable risk of bias; and *vacating* sentence of death).

## PANEL WORK

2000-11 Federal CJA Panel for Capital Habeas litigation; felonies and appeals; Pima County Indigent Services Homicide Panel.