

## BARNEY M. HOLTZMAN



Barney M. Holtzman is a Partner who practices in the firm's labor & employment law and commercial litigation sections, with an emphasis on complex transactions and ERISA/employee benefits litigation. He has been consistently recognized as one of the premier attorneys in employment law and commercial litigation by *Best Lawyers in America*, *Southwest Super Lawyers* and *Tucson Lifestyle Magazine* in his twenty plus years of practice.

Prior to joining Mesch Clark Rothschild, Barney was managing partner of an Am Law 200 law firm Tucson office, in-house counsel for one of the largest privately held mortgage lenders and clerked with the Honorable Thomas A. Zlaket, Chief Justice of the Arizona Supreme Court. He graduated Magna Cum Laude from the University of Arizona, James E. Rogers College of Law.

His employment practice includes counseling management on preventative employment practices and employee discipline. He represents employers against claims alleging employment discrimination, harassment, wrongful discharge, retaliation and other employment-related claims before courts and governmental agencies, such as the EEOC, the Department of Labor, the National Labor Relations Board and the Arizona Civil Rights Division. Barney also counsels clients on a wide range of employment issues that arise during the hiring process, the management of a workforce and termination, layoff or reductions in force.

As a commercial litigator, Barney has represented Fortune 500 companies and small family businesses in a wide array of industries, including bio-tech, mining, optics, insurance, healthcare and technology. He also has litigated cases involving all aspects of mortgage lending, from formation through foreclosure, and professional negligence cases arising from real estate transactions.

When not practicing law, Barney has taken on community leadership positions with the Tucson Jewish Community Center and Ben's Bells among others, is a dedicated husband and father to three daughters and an avid college basketball fan.

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BHOLTZMAN@MCRAZLAW.COM

### Practice Areas

- Business Litigation
- E-Discovery and Data Management
- Employment and Labor Relations
- Litigation
- Mining Law and Public Lands
- Privacy and Data Security
- Real Estate Litigation

### Admissions

- State Bar of Arizona
- U.S. District Court, District of Arizona
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Ninth Circuit

### Professional

- Mesch Clark Rothschild, Tucson, AZ, April 2019 - Present  
Shareholder
- Fennemore Craig, P.C., Tucson, AZ, Shareholder and Office Managing Partner

### Organizations

- Member, Arizona Bar Association
- Member, Pima County Bar Association
- Member, Volunteer Lawyers Program
- Member, School Council, University High School
- Former Chair, Board of Directors, Tucson Jewish Community Center
- Formerly Board of Directors, Ben's Bells Project
- Adjunct Professor, Employment Discrimination Law, University of Arizona College of Law
- Former Chair, Labor and Employment Section Continuing Legal Education Committee, State Bar of Arizona
- Former Chair, Executive Counsel, Labor and Employment Section, State Bar of Arizona

### **Education**

J.D., *Magna Cum Laude*, University of Arizona, James E. Rogers College of Law

Order of the Coif

Writer, *Arizona Law Review*, 1994-1995

Clerkship, Chief Justice Thomas A. Zlaket, Arizona Supreme Court

B.A., Duke University

### **Activities and Honors**

- *Best Lawyers in America*®, Commercial Litigation, 2017-2019
- *Best Lawyers in America*®, Employment Law - Management, Litigation - ERISA, Litigation - Labor and Employment, 2010-2019
- *Southwest Super Lawyers*®, 2014-2018
- *Best Lawyers*®, Lawyer of the Year, Employment Law Management, 2015
- *Ranking Arizona: The Best of Arizona Business* - Voted as one of Arizona's top attorneys in Commercial Litigation as well as Labor and Employment, 2009
- Mentor of the Year, Tucson Business Edge 40 Under 40, 2007
- Recipient, Gary I. Sarver Young Leadership Award, 2002-2003
- *Top Tucson Lawyers, Tucson Lifestyle Magazine*, Recognized as one of Tucson's Top Lawyers in Employment Law Management, Litigation-ERISA, Litigation-Labor & Employment
- AV® Preeminent™ Peer Review Rated (the highest rating available), by Martindale-Hubbell

### **Writings**

- Quoted, "Nurses at Two Tucson Hospitals Vote to Unionize," Arizona Public Media, November 9, 2018
- Speaker, "Hot Topics for Tax and Legal Professionals," Jewish Community Foundation of Southern Arizona's Professional Advisory Group, August 22, 2018
- Interview, "How the Latest Supreme Court Ruling Affects Workers' Rights," 104.1 KQTH, May 29, 2018

- Interview, “Attorney Explains Difference Between Walkout and Strike,” Arizona Public Media, May 7, 2018
- Interview, “Teacher Strike in a Right-to-Work State,” 104.1 KQTH, April 25, 2018
- Quoted, “Why Are Arizona Teachers Walking Out and Not Striking?” Arizona Public Media, April 24, 2018
- Quoted, “Mandatory Paid Sick Leave Kicking In For Arizona Employees,” Tucson.com, July 2, 2017
- Interview, “Sick Leave Takes Effect in Arizona,” Arizona Public Media, June 30, 2017
- Interview, “Prop 206,” KVOA, June 2017
- Interview, “N4T Investigators: Call Center Employees Could Be Out of Work At Month's End,” News 4 Tucson, April 17, 2017
- Author, “Arizona’s Minimum Wage is Going UP and Paid Sick Leave is Mandatory – What it Means for Business,” *Inside Tucson Business*, December 2016
- Speaker, “2016 Human Resources Hot Topics,” The Institute of Internal Auditors Tucson Chapter, October 2016
- Author, “New Overtime Rules – More Cash For Workers and New Headaches for Employers,” *Inside Tucson Business*, June 9, 2016
- Speaker, “Managing Risk Through Good Employment Practices,” Jewish Community Center Executive Conference, February 2016
- Author, “Make Your Business ADA Compliant,” *Inside Tucson Business*, January 21, 2016
- Author, “Factors to Consider When Firing an Employee,” *Inside Tucson Business*, September 2015
- Speaker, “Local Rules & Customs in our Different Superior Courts: What You Don’t Know When You’re From Out of Town,” CLE by the Sea, July 2015
- Author, “Ways to Avoid Litigation,” *Inside Tucson Business*, April 2015
- Author, “Top 10 Ways to Avoid Employment Litigation,” *Construction Executive*, October 13, 2015
- Speaker, “Best Practice in Employment Law,” Fennemore Craig Employment Law Breakfast Briefing, October 2014
- Author, “Weekly Top 10: Hire Smart – Get it right,” *Inside Tucson Business*, September 2014
- Interview, “Pima County’s New Smokers Policy,” KTAR, December 2014