

# UDALL LAW FIRM, LLP

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## Attorneys at Law



Marc Cullen Goldsen

### Practice Focus and Experience

Marc Cullen Goldsen's practice areas include Indian law, real estate law, land use and zoning, construction law, environmental law, natural resource and water rights, labor and employment law, public policy planning and business and corporate law. Marc's clients have included government entities, commercial and residential developers, landowners, contractors, subcontractors, architectural and engineering firms, sureties, insurance companies, community associations, homeowners and businesses of all varieties and sizes. Before joining Udall Law Firm, LLP, Marc was a Senior Associate with the Scottsdale, Arizona law firm of Sacks Tierney P.A. Prior to that, Marc was Deputy General Counsel for the Salt River Pima-Maricopa Indian Community and Senior Assistant General Counsel for the Gila River Indian Community. Marc is the Chair-Elect of the Arizona State Bar Construction Law Section, where he has served on Associate the Executive Council for the last four years. Marc was the subject of biography in the 2005-2006 edition of Marquis' Who's Who in American Law.



**Marc Cullen Goldsen**  
Partner

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### Representative Matters

- Outside construction, economic development, environmental and natural resources, gaming and land and water rights counsel to various federally- recognized Indian communities.
- Represent developers in connection with residential and commercial developments on Indian Reservations, Arizona State Trust Lands and private lands.
- Represent landowners, homeowners, community associations and developers in connection with disputes concerning alleged violations of zoning ordinances, community master plans, CC&Rs and community design guidelines. Such representation has included a recent victory, on behalf of a developer, in a Special Action instituted by a community association and master developer to challenge the approval of certain zoning variances.
- Represent project owners, contractors, subcontractors, suppliers, sureties, insurers, architects and engineers in the negotiation and drafting of construction contract documents and in connection with project disputes.
- Represent buyers, sellers, lenders, borrowers and guarantors in connection with purchases and sales of real property and business assets ranging in value from under \$50,000 to over \$50 million and the financing of such transactions.
- Represented various government entities in negotiations concerning fundamental policy questions, including those involving the location of major freeways, partnership arrangements for river restoration projects, boundary and right-of-way disputes and water allocation questions. Represented businesses in the purchase, sale, operation and maintenance, construction and repair of construction defects concerning multi-million dollar hotels in the Phoenix Metropolitan Area, San Francisco Bay Area and Sedona.
- Served as primary in-house counsel to Arizona Indian communities in the following areas: Business Enterprise, Cultural Resources, Economic Development, Engineering & Construction, Environmental, Finance & Investment, Gaming, Government Contracts, Housing, Human Resources (including Personnel and other Labor and Employment matters), Inter-governmental Relations, Land and Water Rights, Land Use, Public Works, Regulatory Development and Enforcement, Tax, Transportation and Zoning.
- Developed comprehensive environmental management programs as in-house counsel for two different Arizona Indian communities. As in-house counsel to an Arizona Indian community, provided legal representation in relation to the construction of a \$300 million casino hotel and convention center complex.
- As in-house counsel to Arizona Indian communities, provided legal representation in relation to the construction of two multi-million dollar government administrative complexes.

### Practice Areas

Indian Law  
Construction Law  
Water Law  
Real Estate  
Business Transactions

### Address

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- As in-house counsel to an Arizona Indian community, coordinated the drafting of a water delivery and use code to implement the 2004 Arizona Water Settlements Act.
- As in-house counsel to an Arizona Indian community, provided legal representation in connection with the design and construction of a proposed \$1.4 billion, 2,400-mile water conveyance system to deliver water allocated under the 2004 Arizona Water Settlements Act.
- As in-house counsel to an Arizona Indian community, provided legal representation in connection with the completion of construction, and negotiated and drafted the Charter and Curation Agreement for the operation and maintenance, of the Huhugam Heritage Center.

### **Education**

- University of California at Berkeley (B.A., with distinction, 1996)
- University of Arizona (James E. Rogers) College of Law (J.D., 1999)
- University of Arizona (James E. Rogers) College of Law (LL.M., Indigenous Peoples Law and Policy, 2006)
- Arizona Law Review, 1997-99

### **Publications**

- Member of Faculty, Public Contracts and Procurement Regulations in Arizona, presented at Lorman Education Services Continuing Legal Education seminar in Phoenix, Arizona, on October 25, 2007.
- Guest Columnist (Commercial Development in Indian Country), Annual Outlook (March 2007) issue of AZRE (Arizona Commercial Real Estate) Magazine.
- Author of Per D.C. Circuit, IGRA Has Its Limits...For Now, in the Fall 2006 edition of The Arrow, the Arizona State Bar Indian Law Section Newsletter.
- Author of So Don't Sue Me: Ameliorating the Fear Factor in Indian Economic Development Through Dispute Resolution and Limitation of Liability Provisions, presented at University of California at Berkeley's Third Annual New Voices in Indigenous Research Conference (March 2005).
- Author of The Public Policy Obstacle to Regulatory Exclusions and Termination Upon Takeover Provisions as Defenses to Fidelity Bond Coverage, in the June 2001 edition of the International Association of Defense Counsel Fidelity and Surety Newsletter.
- Contributor to What Claims are Available to the Contractor on a Problem Job and How the Contractor Should Substantiate the Claims, presented at Lorman Education Services Continuing Legal Education seminars (2000-2003).

### **Admissions and Memberships**

- State Bar of Arizona, admitted 1999
- United States District Court for the District of Arizona, admitted 2001
- Arizona State Bar Construction Law Section (Chair-Elect, Budget Officer 2006-07, Secretary 2005-06, Executive Council)
- Member-at-Large 2003-05)• Arizona State Bar Indian Law Section
- American Bar Association Forum on the Construction Industry
- American Bar Association Environment, Energy and Resources Section
- Colorado River Water Users Association
- Western Resource Lawyers Colloquium
- Federal Bar Association, Phoenix Chapter (Board Member June 2005-Present)

### **Community Involvement**

- Autism Society of Arizona
- Arizona Hillel Foundation
- Religious Educator at Tucson and Phoenix Area Synagogues
- Volunteer High School Debate Coach and Speech and Debate Judge
- Noah's Ark Animal Rescue