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Industries Served:

Aviation
Construction
Education
Government & Public Entities
Homeowner Associations
Insurance
Manufacturers
Medical Service Providers
Professional Service Providers
Recreation & Amusement
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Transportation

Areas of Practice:

Appeals
Educational Institutions Defense
Governmental Liability
Medical Liability & Health Care
Wrongful Death & Personal Injury Defense

Eileen Gilbride is the senior member of the firm's Appellate Department, and focuses her practice on representing clients in federal and state appellate matters and dispositive motions. She also counsels and assists trial lawyers in the substantive areas of their practices, from the answer stage through the post-trial motion stage. Eileen has handled over 500 appeals at every level of the state and federal courts, in Arizona and other states, which have resulted in more than 80 published decisions.

Substantive areas of her appeals include constitutional, contracts, torts, insurance coverage and defense, employment, municipal and school defense, civil rights, prisoner cases, professional malpractice, Indian law, legislative, administrative, personal injury, wrongful death, divorce, child custody and support, property rights and trusts.

Eileen has spoken at many seminars, is a past Chair of the State Bar Appellate Practice Section and a past Chair of the Arizona Supreme Court Committee on Examinations. She is recognized as one of *The Best Lawyers in America*® in the area of appellate law and by Chambers USA as a Band 3 lawyer in Appellate Law.

REPRESENTATIVE CASES

Ninth Circuit

Jensen v. EXC, Inc., 82 F. 4th 835 (9th Cir. 2023)
Window Rock Unified School District v. Reeves, 861 F.3d 894 (9th Cir. 2017).
Mendiola-Martinez v. Arpaio, 836 F.3d 1239 (9th Cir. 2016).
Melendres v. Arpaio, 784 F.3d 1254 (9th Cir. 2015).
Wagner v. County of Maricopa, 2012 WL 5668692 (9th Cir. 2012).
Lacey v. Maricopa County, 693 F.3d 896 (9th Cir. 2012).
R.P. v. Prescott Unified Sch. Dist., 631 F.3d 1117 (9th Cir. 2011).
Byrd v. Maricopa County Sheriff's Dep't, 629 F.3d 1135 (9th Cir. 2011).
Simmons v. Navajo County, 609 F.3d 1011 (9th Cir. 2010).
Knappenberger v. City of Phoenix, 566 F.3d 936 (9th Cir. 2009).
Pannebecker v. Liberty Life Assur. Co., 542 F.3d 1213 (9th Cir. 2008).
Ferguson v. City of Phoenix, 157 F.3d 668 (9th Cir. 1998).
America West Airlines, Inc. v. GPA Group, Ltd., 877 F.2d 793 (9th Cir. 1989).

Other Circuits

Allen v. Minnstar, Inc., 8 F.3d 1470 (10th Cir. 1993).
Bacchus Industries, Inc. v. Arvin Industries, Inc., 939 F.2d 887 (10th Cir. 1991).

Arizona District Court

Atencio v. Arpaio, 161 F. Supp. 3d 789 (D. Ariz. 2015).
GEICO General Ins. Co. v. Tucker, 71 F. Supp. 3d 985 (D. Ariz. 2014).
Prison Legal News v. Babeu, 933 F. Supp. 2d 1188 (D. Ariz. 2013).
Kanelos v. County of Mohave, 2012 WL 3871571 (D. Ariz. Sept. 6, 2012).
Ariz. Contrs. Ass'n, Inc. v. Candelaria, 534 F. Supp. 2d 1036 (D. Ariz. 2008).
Normandeau v. City of Phoenix, 516 F. Supp. 2d 1054 (D. Ariz. 2005).
Rubino v. De Freitas, 638 F. Supp. 182 (D. Ariz. 1986).

Arizona Supreme Court

Southern Arizona Home Builders Association v. Town of Marana, 254 Ariz. 281, 522 P.3d 671 (2023)
Rosenberg v. Sanders, 256 Ariz. 328, 539 P.3d 120 (2023)
Windhurst v. Ariz. Dept of Corrections, 256 Ariz. 186, 536 P.3d 764 (2023)
Swift Transportation Co. of Arizona L.L.C. v. Carman in & for County of Yavapai, Arizona, 515 P.3d 685 (Ariz. 2022).
McDaniel v. Payson Healthcare Mgmt., Inc., 253 Ariz. 250, 512 P.3d 998 (2022).
Banner Univ. Med. Ctr. Tucson Campus, LLC v. Gordon, 252 Ariz. 264, 502 P.3d 30 (2022).
Sampson v. Surgery Ctr. of Peoria, LLC, 251 Ariz. 308, 491 P.3d 1115 (2021).
Sholem v. Gass, 248 Ariz. 281, 460 P.3d 273 (2020).
Arizona ex rel. Brnovich v. Maricopa Cty. Comm. Coll. Dist. Bd., 243 Ariz. 539, 416 P.3d 803 (2018).
City of Phoenix v. Glenayre Electronics, 242 Ariz. 560, 393 P.3d 919 (2017).
Baker v. Univ. Physicians Healthcare, 231 Ariz. 379, 296 P.3d 42 (2013).
Ochser v. Funk, 228 Ariz. 365, 266 P.3d 1061 (2011).
Estate of DeSela v. Prescott Unified Sch. Dist. 226 Ariz. 387, 249 P.3d 767 (2011).
Seisinger v. Siebel, 220 Ariz. 85, 203 P.3d 483 (2009).
Kohl v. City of Phoenix, 215 Ariz. 291, 160 P.3d 170 (2007).
Estate of Winn v. Plaza Healthcare, Inc., 214 Ariz. 149, 150 P.3d 236 (2007).
Falcon v. Maricopa County, 213 Ariz. 525, 144 P.3d 1254 (2006).
Paradigm Ins. Co. v. Langerman Law Offices, P.A., 200 Ariz. 146, 24 P.3d 593 (2001).
Doe v. State, 200 Ariz. 174, 24 P.3d 1269 (2001).
Martinez v. Binsfield, 196 Ariz. 466, 999 P.2d 810 (2000).
Panzino v. City of Phoenix, 196 Ariz. 442, 999 P.2d 198 (2000).
Cunningham v. Goettl Air Conditioning, Inc., 194 Ariz. 236, 980 P.2d 489 (1999).
Nolde v. Frankie, 192 Ariz. 276, 964 P.2d 477 (1998).
Hutcherson v. City of Phoenix, 192 Ariz. 51, 961 P.2d 449 (1998).
Siddons v. Business Props. Dev. Co., 191 Ariz. 158, 953 P.2d 902 (1998).
Hull v. Albrecht, 190 Ariz. 520, 950 P.2d 1141 (1997).
Aesthetic Property Maintenance v. Capital Indem. Corp., 183 Ariz. 74, 900 P.2d 1210 (1995).
Salt River Project Agric. Improvement & Power Dist. v. Apache County, 172 Ariz. 337, 837 P.2d 139 (1992).
El Paso Elec. Co. v. Maricopa County, 172 Ariz. 335, 837 P.2d 137 (1992)
Phoenix Control Sys. v. Insurance Co. of N. Am., 165 Ariz. 31, 796 P.2d 463 (1990).

Arizona Court of Appeals

Matter of Conservatorship of Chalmers, 256 Ariz. 271, 536 P.3d 1247 (App. 2023)
BLK III, LLC v. Skelton, 252 Ariz. 583, 506 P.3d 812 (App. 2022)
Brucklier v. Brucklier, 253 Ariz. 579, 516 P.3d 526 (App. 2022)
Huey v. Huey, 253 Ariz. 560, 516 P.3d 9 (Ariz. Ct. App. 2022).
Rosenberg v. Sanders, 253 Ariz. 279, 512 P.3d 1027 (Ct. App. 2022).
Coleman v. Amon, 252 Ariz. 107, 498 P.3d 638 (Ct. App. 2021).
Banner Univ. Med. Ctr. Tucson Campus, LLC v. Gordon, 249 Ariz. 132, 467 P.3d 257 (App. 2020).

McDaniel v. Payson Healthcare Mgmt., Inc., 250 Ariz. 199, 477 P.3d 123 (App. 2020).
Clayton by and through Sherman v. Kenworthy, 250 Ariz. 65, 475 P.3d 310 (App. 2020).
Martin v. Staheli, 248 Ariz. 87, 457 P.3d 53 (App. 2019).
Lehn v. Al-Thanyayan, 246 Ariz. 277, 438 P.3d 646 (App. 2019).
McClendon v. McClendon, 243 Ariz. 399, 408 P.3d 440 (App. 2017).
Passmore v. McCarver, 242 Ariz. 288, 395 P.3d 297 (App. 2017).
Stafford v. Burns, 241 Ariz. 474, 389 P.3d 76 (App. 2017).
St. George v. Plimpton, 241 Ariz. 163, 384 P.3d 1243 (App. 2016).
Villasenor v. Evans, 241 Ariz. 300, 386 P.3d 1273 (App. 2016).
Carter v. Pain Center of Arizona, P.C., 2016 WL 8253002 (Ariz. Ct. App. May 10, 2016).
KCI Restaurant Mgmt LLC v. Holm Wright Hyde & Hays PLC, 236 Ariz. 485, 341 P.3d 1156 (App. 2014).
Gries v. Plaza Del Rio Mgmt Corp., 236 Ariz. 8, 335 P.3d 530 (App. 2014).
Nash v. Nash, 232 Ariz. 473, 307 P.3d 40 (App. 2013).
Yanes v. Maricopa County, 231 Ariz. 281, 294 P.3d 119 (App. 2012).
MacMillan v. Schwartz, 226 Ariz. 584, 250 P.3d 1213 (App. 2011).
Blevins v. Gov't Empl. Ins. Co., 250 Ariz. 227, 250 P.3d 227 (App. 2011).
Short v. Dewald, 226 Ariz. 88, 244 P.3d 92 (App. 2010).
Morris v. Giovan, 225 Ariz. 582, 242 P.3d 181 (App. 2010).
Ochser v. Funk, 225 Ariz. 484, 240 P.3d 1246 (App. 2010).
Winn v. Plaza Healthcare Inc., 225 Ariz. 275, 237 P.3d 628 (App. 2010).
Yeung v. Maric, 224 Ariz. 499, 232 P.3d 1281 (App. 2010).
Solimeno v. Yonan, 224 Ariz. 74, 227 P.3d 481 (App. 2010).
Advanced Cardiac Specialists v. Tri-City Cardiology Consultants, P.C., 222 Ariz. 383, 214 P.3d 1024 (App. 2009).
In re Jury Selection Process in Maricopa County, 220 Ariz. 526, 207 P.3d 779 (App. 2009).
Sanchez v. Tucson Orthopaedic Inst., P.C., 220 Ariz. 37, 202 P.3d 502 (App. 2008).
Jones v. Cochise County, 218 Ariz. 372, 187 P.3d 97 (App. 2008).
Graffiti-Valenzuela v. City of Phoenix, 216 Ariz. 454, 167 P.3d 711 (App. 2007).
Gorney v. Meaney, 214 Ariz. 226, 150 P.3d 799 (App. 2007).
Filer v. Tohono O'Odham Nation Gaming Enter., 212 Ariz. 167, 129 P.3d 78 (App. 2006).
Nelson v. Grayhawk Props. L.L.C., 209 Ariz. 437, 104 P.3d 168 (App. 2004).
Bergeron ex rel Perez v. O'Neil, 205 Ariz. 640, 74 P.3d 952 (App. 2003).
Am. Cas. Co. of Reading v. D.L. Withers Constr., L.C., 204 Ariz. 382, 64 P.3d 210 (App. 2003).
R.E. Monks Constr. Co. v. Aetna Cas. & Sur. Co., 189 Ariz. 575, 944 P.2d 517 (App. 1997).
Murphy v. Board of Med. Exam'rs, 190 Ariz. 441, 949 P.2d 530 (App. 1997).
Tollenaar v. Chino Valley Sch. Dist., 190 Ariz. 179, 945 P.2d 1310 (App. 1997).
Henry v. Cook, 189 Ariz. 42, 938 P.2d 91 (App. 1996).
Kiley v. Jennings, Strauss & Salmon, 187 Ariz. 136, 927 P.2d 796 (App. 1996).
Davis v. Discount Tire Co., 182 Ariz. 571, 898 P.2d 520 (App. 1995).
Rudolph v. Arizona B.A.S.S. Fed'n, 182 Ariz. 622, 898 P.2d 1000 (App. 1995).
JV-502820 v. Superior Court, 181 Ariz. 243, 889 P.2d 36 (App. 1995).
Soos v. Superior Court, 182 Ariz. 470, 897 P.2d 1356 (App. 1994).
McGuire v. DeFrancesco, 168 Ariz. 88, 811 P.2d 340 (App. 1990).
Hibbs ex rel. Arizona Dep't of Revenue v. Chandler Ginning Co., 164 Ariz. 11, 790 P.2d 297 (App. 1990).
Brown v. Arizona Pub. Serv. Co., 164 Ariz. 4, 790 P.2d 290 (App. 1990).
Gonzales v. Arizona Pub. Serv. Co., 161 Ariz. 84, 775 P.2d 1148 (App. 1989).
Arizona Tax Research Ass'n v. Maricopa County, 162 Ariz. 94, 781 P.2d 71 (App. 1989).
Revco D.S. v. Brooks, 157 Ariz. 570, 760 P.2d 570 (App. 1988).
Valley Nat'l Bank v. Cotton Growers Hail Ins., 155 Ariz. 526, 747 P.2d 1225 (App. 1987).
Marco Crane & Rigging v. Arizona Corp. Comm'n, 155 Ariz. 292, 746 P.2d 33 (App. 1987).
Coldwell Banker Commercial Group v. Camelback Office Park, 156 Ariz. 214, 751 P.2d 530 (App. 1987).
Cooke v. Berlin, 153 Ariz. 220, 735 P.2d 830 (App. 1987).
Hirsch v. Cooper, 153 Ariz. 454, 737 P.2d 1092 (App. 1986).

Other States

Adams v. Corr. Corp. of Am., 187 P.3d 1190 (Colo. App. 2008).

Sam v. Estate of Benny Sam, 139 N.M. 474, 134 P.3d 761 (N.M. 2006).

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Maricopa County Superior Court, Judge Pro Tem, 1993-2006
- Arizona Court of Appeals, Judge Pro Tem, 1994, 1996
- Maricopa County Superior Court, Commissioner Pro Tem, 1990-1991
- Arizona State Bar Appellate Practice Section, Chair, 1996-1997
- Arizona Appellate Practice Institute, Faculty Member
- Supreme Court Committee on Examinations, Chair, 1998-2000; Member, 1993-2000 and 2001-2003; Grader, 1990-1993
- Supreme Court Advisory Committee for the Admission on Motion Course on Arizona Law
- Arizona Women Lawyers Association, Member

PROFESSIONAL RECOGNITION & AWARDS

- *Chambers USA*
- *Southwest Super Lawyers*, Appellate, 2014-2024
- *Best Lawyers in America*®, Appellate Practice, 2009-2024; Personal Injury Litigation – Defendants, 2022-2024
- Arizona's Finest Lawyers, 2010
- Corporate Counsel's "Top Lawyers" for Appellate Law, 2009-Present
- Best Arizona Attorneys, 2012
- AV® Preeminent™ Rated on Martindale Hubbell
- *Phoenix Magazine Top Lawyers*, Appellate Law, 2022-2023

PRESENTATIONS & PUBLICATIONS

Eileen is a frequent speaker on the subjects of appellate practice, legal writing, the art of persuasion, and governmental liability issues.

EDUCATION

Cornell Law School, J.D., 1983

Sarah Lawrence College, B.A., Liberal Arts, 1980

BAR ADMISSIONS

Arizona

U.S. Supreme Court

U.S. Court of Appeals, Sixth, Ninth, Tenth, Federal and D.C. Circuits

U.S. District Court, District of Arizona