



JUSTIN ACKERMAN

PARTNER

Arizona

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Industries Served:

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

Areas of Practice:

Appeals
Bad Faith & Extra-Contractual Liability
Educational Institutions Defense
General Civil Litigation
Governmental Liability
Insurance Coverage & Third-Party Liability
Premises Liability
Wrongful Death & Personal Injury Defense

Justin Ackerman is the trial group leader of JSH's appellate department. He represents clients in federal and state appellate matters in cases involving federal civil rights claims, wrongful death, personal injury, bad faith, and premises liability. After graduating as the valedictorian of his class from Phoenix School of Law, Justin worked as a law clerk for the Hon. Michael J. Brown in Division One of the Arizona Court of Appeals. Following his clerkship, Justin has handled over 75 appeals, successfully arguing before the Arizona Court of Appeals, Arizona Supreme Court, and U.S. Court of Appeals for the Ninth Circuit. Justin has spoken at many seminars on appellate preservation topics and is recognized as a *Southwest Super Lawyers* Rising Star and Best Lawyers Ones to Watch in the area of Appellate Practice.

During his free time, Justin trains in Krav Maga, the official self-defense of the Israeli Defense Forces, at his family-owned business. He also enjoys going to the movies with his wife and spending time with his two young daughters.

REPRESENTATIVE CASES

- [*Quinn v. Cardenas*](#), 1 CA-CV 22-0398, 2023 WL 4880442 (App. Aug. 1, 2023) (Opinion holding that when a federal court grants summary judgment and enters a final judgment on those claims, but remands remaining state law claims back to state court, the federal court's final judgment is binding in the remanded state court action under preclusion doctrines (issue and claim preclusion) and as a result, Plaintiff's remaining state law claims in this action were barred by issue preclusion)
- [*Zahler v. Swift Transp. Co., LLC*](#), 1 CA-CV 22-0191, 2022 WL 17982941, at *1 (App. Dec. 29, 2022) (affirming denial of petition to vacate arbitrator's award in our client's favor)
- [*Yellowman v. Vanderwey*](#), 1 CA-CV 21-0116, 2021 WL 5706981, at *2 (App. Dec. 2, 2021) (affirming dismissal based on notice of claim statute even though injunctive and mandamus relief were the only remedies sought because such relief was still seeking monetary damages)
- [*Ottis v. Metcalf*](#), 2022 WL 471732, at *1 (App. Feb. 16, 2022) (Memorandum Decision) (Obtained a favorable outcome in a special action to Division Two of the Court of Appeals where the Court of Appeals accepted jurisdiction and affirmed four of six disputed IMEs in our client's favor)
- [*Hawkins v. Grigorian*](#), LC2021-000153-001 DT, (Ariz. Super. Ct., Aug. 27, 2021) (affirming justice court's directed verdict following two day trial in a breach of contract claim for landlord's refusal to return of rental security deposit)
- [*Jones-Esposito v. Bishop, et al.*](#), 2021 WL 2461861 (App. June 17, 2021) (Memorandum Decision) (affirming trial court's grant of motion for judgment on the pleadings for plaintiff's failure to comply with Notice of Claim statute)
- [*Krause, et al. v. County of Mohave, et al.*](#), *Defendants-Appellees.*, 20-16189, 2021 WL 1667042, at *1 (9th Cir. Apr. 28, 2021) (Ninth Circuit affirms summary judgment on all claims in officer-involved shooting case)
- [*Erickson v. Votaw*](#), CV 2018-090916 (Dec. 22, 2020) (order granting summary judgment on all of Plaintiffs' claims involving the family purpose doctrine and negligent entrustment for fatal ATV accident – appeal declined).
- [*Gonzales v. Lake Havasu City*](#), 2020 WL 7311633, at *1 (9th Cir. Dec. 11, 2020) (Memorandum Decision) (affirming trial court's grant of summary judgment ruling in Lake Havasu City's favor on Plaintiff's 42 U.S.C. § 1983 Monell claims and state law malicious prosecution and abuse of process claims).

- [Montelongo et al., v. Driscoll et al.](#), 1 CA-CV 19-0502, 2020 WL 5951104, at *1 (App. Oct. 8, 2020) (Memorandum Decision) (affirming trial court's dismissal of Plaintiff's case challenging Defendants' policy of complying with federal ICE detainer requests for lack of standing).
- [Lakridis v. Holly Udy-Meekin, et al.](#), 1 CA-CV 19-0473, 2020 WL 5804016, at *1 (App. Sept. 29, 2020) (affirming trial court's dismissal of Plaintiff's case for failure to prosecute under Rule 38 and denial of Rule 60 motion).
- [Krause, et al. v. County of Mohave, et al.](#), 3:17-CV-08185, 2020 WL 2541728 (D. Ariz. 2020) (obtained summary judgment on all claims in officer-involved shooting)
- *Hamberlin v. Arizona Game and Fish*, 249 Ariz. 31 (Ariz. App. 2020) (The superior court acted within its authority by requiring the State to turn over digital copies of data extracted from electronic equipment seized without probable cause. Judgment affirmed).
- *Brown v. Dembow*, 248 Ariz. 374 (Ariz. App. 2020), review denied (Nov. 20, 2020) (holding trial court did not err in precluding Plaintiffs from offering impeachment evidence during jury trial under Ariz.R.Evid. 609 regarding Defendant's prior drug paraphernalia conviction that was undesignated at the time of its entry and later reduced to a misdemeanor offense prior to trial).
- *Chung v. Choulet*, 248 Ariz. 236 (Ariz. App. 2020), review denied (Aug. 25, 2020) (favorably reversing trial court's grant of Rule 60 relief to file a delayed appeal where plaintiff failed to make a showing of due diligence or extraordinary circumstances and rejecting cross-appeal arguments).
- *Murillo v. City of Glendale*, CV-15-02297-PHX-GMS and No. CV2015-054059 (Feb. 20, 2019) (Arizona District Court granted case dispositive Rule 37 sanction against main plaintiff for his failure to participate in litigation. The Arizona District Court later granted summary judgment on remaining Plaintiffs' 42 U.S.C. § 1983 claims, remanding the remaining state law claims to Arizona state superior court. Upon remand to state court, the Court granted Defendants summary judgment on the remaining state law claims – appeal later withdrawn).
- *Yazzie v. Mohave County*, 751 Fed.Appx. 1018 (9th Cir. 2019) (affirming summary judgment in Mohave County's favor in §§ 1981, 1983, and Title VII wrongful termination action).
- *Arnaudo v. Yavapai County, et al.*, CV 16-08164-PCT-DJH (JFM) (May 18, 2018) (order granting summary judgment on Plaintiffs 42 U.S.C. § 1983 claims for Fourth Amendment excessive force for officers multiple uses of a taser – appeal declined).
- *Ingram v. RTW, Inc.*, 729 Fed. Appx. 605 (9th Cir. 2018) (argued) (affirming summary judgment in bad faith action in favor of third party claims administrator on Plaintiff's breach of duty of good faith and fair dealing claim).
- [Gonzalez v. Nguyen](#), 243 Ariz. 531 (2018) (reversing and vacating adverse Arizona Court of Appeals memorandum decision, affirming trial court's decision to vacate \$667,000 default judgment, and clarifying meritorious defense standard applicable to default judgments under Ariz.R.Civ.P. 60(c)(6)).
- *Lancaster v. McEuen*, 683 Fed. Appx. 633 (9th Cir. 2017) (Memorandum Decision) (affirming district court's grant of summary judgment on Plaintiff's 42 U.S.C. § 1983 claims for due process violations).
- [Soto v. Sacco](#), 242 Ariz. 474 (2017) (affirmed trial court's grant of remittitur, and clarified that Rule 59(i)'s specificity requirement is equally applicable to orders granting remittiturs or additurs).
- *Baker v. Bell*, 668 Fed. Appx. 703 (9th Cir. 2016) (Memorandum Decision) (affirming trial court's grant of summary judgment on Plaintiff's 42 U.S.C. § 1983 claims for deliberate indifference to Plaintiff's medical needs and Eighth Amendment claims and denial of Plaintiff's motions to compel).
- *Camboni v. Golden Hills HOA*, 1 CA-CV 15-0213, 2016 WL 6211790 (Ariz. App. 2016) (affirming trial court's dismissal of Plaintiffs' Complaint and awarding attorneys' fees as a sanction for filing a frivolous appeal).
- *Benge v. Ryan*, 616 Fed. Appx. 273 (9th Cir. 2015) (Memorandum Decision) (affirming district court's denial of Plaintiff's requests for injunctive relief and motion to appoint an expert).
- *In re Estate of Thompson*, 1 CA-CV 14-0260, 2015 WL 5022866 (Ariz. App. 2015) (affirming trial court's fee award to counsel for personal representative of an estate).
- [Fernandez v. City of Phoenix](#), 2015 (A motion for summary judgment was granted in favor of the City of Phoenix invalidating a stipulated judgment against the City for \$8.5 million in a Morris-type of agreement.)

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- Arizona Appellate Practice Section, Member
- State Bar of Arizona Appellate Executive Counsel, Member-At-Large
- State Bar of Arizona's Civil Jury Instructions Committee, Member

PROFESSIONAL RECOGNITION & AWARDS

- *Southwest Super Lawyers Rising Star*, Appellate Law, 2022-2024
- *Best Lawyers in America: Ones to Watch*®, Appellate Practice, 2021-2023; Personal Injury Litigation – Defendants, Professional Malpractice Law, 2023
- *Phoenix Magazine Top Lawyers*, Appellate Law, 2022-2023

PRESENTATIONS & PUBLICATIONS

- "Discrimination In The Workplace: When to Worry About Robots And How to Respect The Rights of Transgender Employees," Co-Presenter, Arizona PRIMA Summer Education Series, July 2023

- [“Preventing Defective Just Instructions In Personal Injury Trails’ Leveraging Errors on Appeal”](#), Co-Presenter, Strafford CLE video webinar, September 2022
- “A Delicate Dance: Minimizing Bloat in Summary Judgment Statements of Fact While Maximizing Preservation of the Record,” *Arizona Attorney Magazine*, April 2022
- [“U.S. Supreme Court Rules That Favorable Termination For Fourth Amendment Malicious Prosecution Claim Need Not Show Affirmative Indication of Innocence”](#), JSH Law Alert, Author, April 2022
- [“A.R.S. § 12-821.01, Anything New Under the Sun”](#), Presenter, Arizona Public Risk Management Association’s fourth quarter meeting, December 2021
- [“Ninth Circuit Holds Arizona’s Notice of Claim Statute Does Not Apply to Claims for Nominal Damages in *Platt v. Moore*”](#), JSH Law Alert, Author, October 2021
- [“Police Liability in the Court of Public Opinion”](#), Co-Presenter, PRIMA Institute, July 2021
- [“Arizona Supreme Court Holds: No Search Warrant or Court Order is Needed to Obtain an Internet User’s IP Address or ISP Subscriber Information”](#), Author, January 2021
- “Appellate Tip: Do you need 54(b) or (c) language and/or a judge’s signature to have a final judgment?,” Author, April 2019
- “Judgment Day: Tips for Terminating Trial Court Proceedings and Shaping the Issues on Appeal,” Co-Presenter, Tucson Defense Bar, April 2019
- [“Appellate Tip – How to Stay Collection of a Judgment While Pursuing Post-Trial Remedies”](#), Author, August 2018
- [“Appellate Tip: Early Motions for Summary Judgment and Ariz.R.Civ.P. 56\(d\)”](#), Author, January 2018
- [“Appellate Tip: Preserving the Record: Tips for Objecting to Jury Instructions”](#), Co-Author, November 2017
- [“Appellate Tip: Ensure Your Summary Judgment Pleadings Are Ready For Appeal”](#), Co-Author, September 2016
- [“Appellate Tip: Jury Instructions – Be Careful!”](#) Co-Author, September 2016
- “An Investigative Piece on Clawback Agreements,” co-author, JSH Reporter, p. 20, Summer 2016
- “A.R.S. 12-821.01, anything new under the sun?” co-presenter, Current Issues in Governmental Liability Seminar, November 2015
- “An Investigating Piece on Clawback Agreements,” co-author, Facts & Findings, July 2015
- “An Online Gamer’s Manifesto: Recognizing Virtual Property Rights By Replacing EULA Agreements in Virtual Worlds,” 6 Phoenix L. Rev. 137 (2013)

EDUCATION

Phoenix School of Law, J.D., *summa cum laude*, 2013

Class rank: 1/171

Staff Editor, *Phoenix Law Review*

CALI Excellence for the Future Awards

Arizona State University, Barrett Honors College, B.S., Political Science, *summa cum laude*, 2010

BAR ADMISSIONS

Arizona, 2013

U.S. District Court, District of Arizona

U.S. Court of Appeals, Ninth Circuit