

# **LEE PHILLIPS**

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**ADMITTED TO PRACTICE:**      State Court - Arizona, Ohio  
Federal Court - District of Arizona, U.S. Claims Court,  
Ninth Circuit, Federal Circuit, Tribal Court - Hopi Tribe

## **EXPERIENCE:**

### **LAW OFFICE OF LEE PHILLIPS, P.C. (1991 to Present)**

- Sole Practitioner. Practice focuses on criminal defense, civil rights litigation and Native American rights.
- Certified by the State Bar of Arizona as a Specialist in Criminal Law.
- Adult Criminal Contract Attorney (ACCA) for Coconino County, 1992 - 1998.
- Complex litigation experience includes:
  - State of Arizona v. Norberto Ramos-Madrid (2015) (Client and three others charged with “gang related” murder, aggravated assault (2) and membership in a criminal street gang. Client was charged with stabbing victim 23 times in a street fight with rival gang members. Following 17 month investigation and 6 week jury trial client acquitted of all charges. Co-defendants convicted in separate trials).
  - Tutty v. Mohave County (2013) (Federal civil rights lawsuit on behalf of two young women who were sexually assaulted by a detention officer while in the custody of the Mohave County Detention Center. Represented victims in the criminal cases where Detention Officer was convicted of both assaults and sentenced to prison. Civil lawsuit successfully settled by significant monetary damages awards for both victims).
  - State of Arizona v. Alvin Sweeney (2010) (Appellate decision reversing denial of motion to suppress, conviction and prison sentence and establishing guidelines for traffic stops and detention of motorists by Arizona Department of Public Safety drug interdiction officers).
  - State of Arizona v. Fish (2010) (Appellate decision reversing murder conviction of retired school teacher attacked by another man while hiking in northern Arizona. Established new law governing the admission of a “victim’s” prior acts of violence in self-defense cases).

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- Frazier v. City of Flagstaff (2009) (Federal civil rights lawsuit by anti-war activist threatened with criminal prosecution for selling t-shirts which contained the names of soldiers killed in Iraq war. Successfully challenged Arizona statute as a violation of client's First Amendment rights).
- Manybeads v. United States of America, 730 F. Supp. 1515 (D. Ariz. 1989), aff'd 209 F.3d 1164 (9<sup>th</sup> Cir. 2000) (Lead counsel in class action lawsuit challenging the forced relocation provisions of the Navajo – Hopi Indian Land Settlement Act of 1974 as a violation of the Free Exercise Clause of the First Amendment. Dismissed by the district court for failure to join an indispensable party, the Hopi Tribe after four years of mediation. On appeal a settlement agreement was reached between the individual Navajo Plaintiffs, the United States, the Navajo Nation and the Hopi Tribe. The settlement agreement was approved by Congress in 1995).
- Attakai v. United States of America, 746 F. Supp. 1395 (D. Ariz. 1990) (Lead counsel in class action lawsuit challenging federal construction projects on Indian land which desecrated Navajo burial and other sacred sites, as a violation of the First Amendment and the National Historic Preservation Act. TRO obtained to halt construction on 1.8 million acres of reservation land. Court later found historic preservation law's requirement of notice and consultation prior to government construction projects applied to traditional Native American cultural sites. Counsel developed and implemented a notice and consultation process between Department of Interior, Navajo Nation and individual practitioners of traditional Navajo religion).
- Begay v. United States of America, Claims Court No. 268-85L; Fed. Cir. No. 88-1011; (Breach of trust, statutory and contractual duty to Navajo Indians by federal relocation program. Resulted in development of guidelines and regulations for the construction of "decent safe and sanitary" housing and pre and post relocation counseling for thousands of Navajo and Hopi Indians relocated by the federal government).
- Davis v. Richards, CIV 76-278 (Class action civil rights/jail conditions lawsuit resulting in construction of a new jail facility and creation of inmate advocate attorney position. Counsel served as co-counsel for inmate population at the original trial in 1983-84 and later brought contempt action in mid-1990's on behalf of inmates for the jail's failure to provide inmates with adequate access to the courts).

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- Burrell v. City of Flagstaff, CIV96-1503 PCT SMM (Civil rights/excessive force case on behalf of female officer assaulted by another male officer while attempting to protect African-American inmate; settlement reached through mediation).
- Jones v. Sterling (210 Ariz. 308 (2005)) (Established race-based selective enforcement as a defense to criminal charges and standards for the appointment of experts in racial profiling cases in Arizona state courts).
- Arnold v. DPS (Ninth Cir. 03-15915/District Court CIV-01-1463 PCT-LOA) (Class action racial profiling lawsuit on behalf of African-American and Latino motorists resulting in landmark statewide agreement to collect and analyze data of all traffic stops, searches and arrests conducted by state police, requirement that traffic stops be videotaped and that all consent searches be documented by written consent form and the establishment of Governor's Citizen Advisory Board to monitor traffic stops and searches by state police in Arizona).

**INSTRUCTOR: NORTHERN ARIZONA UNIVERSITY** 1993 - 2003

- Adjunct instructor in Criminal Justice Department, teaching criminal law, criminal procedure and constitutional rights courses.

**COCONINO COUNTY PUBLIC DEFENDERS OFFICE** 1988-1991

- Deputy Public Defender responsible for trial level practice involving major felony crimes.
- State v. Richard Bible, 858 P.2d 1152 (Ariz. 1993); (Co-counseled first Capital Murder case in Arizona involving DNA evidence)

**BIG MOUNTAIN LEGAL OFFICE** 1986-1991

- Director of public interest law office established to provide legal representation to Native Americans subject to forced relocation requirements of Navajo Hopi Indian Land Settlement Act of 1974.
- Represented individual Navajo Indians before Congress and in federal, state and tribal courts in Navajo-Hopi land dispute related matters.

**COMMUNITY ORGANIZER FOR THE UNITED FARM WORKERS UNION** 1978-1980

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- MEMBERSHIPS:**
- National Association of Criminal Defense Lawyers (NACDL) (Life Member)
  - Arizona Attorneys for Criminal Justice (AACJ) (Board of Directors)
  - American Civil Liberties Union (ACLU) (Cooperating Attorney)
  - National Lawyers Guild (NLG)
  - National Organization for the Reform of Marijuana Laws (NORML) (National Legal Committee)
- AWARDS:**
- Reginald Heber Smith Community Lawyer Fellow, 1983-1985 (Awarded Public Lawyer Fellowship by Legal Services Corporation and Howard University School of Law to work on Navajo –Hopi land dispute related matters.)
  - Berkeley Law Foundation Fellowship, Boulton Hall School of Law, 1988
  - McArthur Foundation Grant, 1986, 1987 (Native American Rights Advocate)
  - Navajo Nation Treaty Day Award, 1992 (Native American Rights)
  - Arizona Attorneys for Criminal Justice, 2003 (First William Rothstein Award for Efforts to Combat Racial Profiling)
  - ACLU of Arizona Racial Justice Award, 2004 (Racial Profiling)
  - Invited Speaker at Open Society Institute Conference on Racial Profiling in America, New York City, 2008
  - Invited Speaker, 2005-2019:
    - Speaker at numerous legal seminars and conferences on racial profiling, search and seizure, suppression of statements and physical evidence, pre-trial investigation, appointment of investigators and expert witnesses, pre-trial motions, medical marijuana, ethics, defense of drug cases.
  - AV Preeminent Rated by Martindale-Hubbell, 2006-2019 (Highest possible rating. Peer review rating on expertise, experience, integrity and overall professional excellence)
  - Recognized as Arizona's Top Attorneys/Super Lawyers of the Southwest, 2010-2019