



## Julie A. Pace

### Partner

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#### Practice Areas

- Appellate
- Class Actions
- Government Relations and Administrative Law
- Government Contracts
- Commercial Litigation
- Construction Law
- Corporate
- Crisis Management
- Healthcare
- Immigration Visas and I-9 Audits
- Intellectual Property
- Labor & Employment
- Litigation
- OSHA
- Workers Compensation

#### Admissions

- Arizona
- U.S. Court of Appeals of the Ninth Circuit
- Add .S. Court of Appeals, enth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court of Arizona
- U.S. Supreme Court

#### Education:

- Arizona State University (J.D., cum laude, 1992)
- Arizona State Law Journal, Symposium and Articles Editor
- Best Comment Award, Arizona State Law Journal
- Arizona State University (B.S. magna cum laude, 1983)

Julie Pace concentrates her practice at Messner Reeves LLP in the fields of employment, immigration compliance, OSHA, litigation, construction, healthcare, and corporate and business transactions. She defends claims of sexual harassment, employment discrimination, retaliation, whistleblower, and wrongful discharge, and against charges filed at the EEOC and ACRD. She handles matters involving OSHA, ICE, OFCCP, DOL, NLRB, Davis-Bacon, Service Contract Act (SCA), FAR, ADA, FMLA, FFCRA, Cares Act, PPP, and wage and hour audits and debarment issues. Julie has extensive experience counseling, investigating and handling a full array of employee grievances, arbitration, contract negotiations, elections, administrative hearings, and litigation in both union and non-union settings.

Julie frequently conducts investigations and provides training to managers and employees, including respect at work, anti-discrimination, anti-harassment, I-9 and E-Verify audits. She regularly represents employers in dealing with ICE and E-Verify and has handled over 1,000 I-9 audits. Julie is one of ten attorneys awarded the Centers of Influence Award by the Arizona Business Magazine and was described as the “go to” lawyer for employer immigration compliance in Arizona.

Julie has handled over 1,000 OSHA inspections, audits, and proceedings throughout the country, including more than 285 fatalities in the workplace, with emphasis on fall protection.

Julie also handles issues involving Healthcare, HIPAA, the Affordable Care Act (ACA) and negotiations involving healthcare contracts. Her Davis-Bacon and prevailing wage practice includes counseling and training on federal, state, county, municipal and school prevailing wages and benefits requirements, coverage and applicability of prevailing wage laws, coverage exemptions, worker classification and pay issues, addressing wage determinations, wage conformance surveys, and representation of employers before the Department of Labor Wage and Hour Division and similar state agencies.

Ms. Pace counsels employers on non-compete contracts, confidentiality agreements, employee discipline, drug testing, accommodation of disabled individuals, leaves of absence, workplace violence, safety policies, and other human resource policies and procedures. She also handles contract disputes, business torts, trade practices, and construction matters. She regularly prepares and reviews employee handbooks and safety manuals.



She is the presenter and narrator of an award-winning video on respectful conduct in the workplace. She is the co-editor or primary author of three books on employment law. She has conducted over 50 training programs for clients and industry groups.

Julie also handles contract disputes, business torts, trade practices, healthcare and construction matters. She has represented companies in government contracting disputes and numerous commercial litigation matters involving contracts, trade practices, financing, acquisitions, and other matters. Julie is known for creative, practical solutions to businesses' legal challenges.

Julie regularly coordinates crisis response plans for clients to deal with workplace accidents, government investigations and other matters.

Julie is a fourth generation Arizonan and serves as an elected Council Member of the Town of Paradise Valley. Julie is listed in the Best Lawyers in America and is a Fellow of the Litigation Counsel of America. Julie is recipient of the Arizona Business Magazine's Centers of Influence Award, recognizing the leading attorneys in Arizona. She has served as Judge Pro Tem for the Arizona Court of Appeals and is a former judicial law clerk to the Honorable Joe W. Contreras of the Arizona Court of Appeals.

## Representative Matters

- Handling more than 220 fatality cases involving OSHA investigations throughout the country.
- Defending a national collective/class action wage and hour lawsuit involving over 11,000 employees and negotiated a favorable settlement without the expense of extensive discovery proceedings or motion practice.
- Obtaining a jury verdict for a national supermarket chain in an age discrimination trial brought by a 35-year employee with a history of good performance, whose duties were redistributed largely to a woman in her 30's.
- Obtaining a jury verdict for a national retailer rejecting claims for additional compensation by a store manager.
- Obtaining the dismissal of more than 1,900 claims in a labor union sponsored Fair Labor Standards Act collective action against a construction company.
- Successfully defending claims by the EEOC, including settlement to dismiss class action by agreeing to facilitate training for construction industry associations to educate other companies regarding respectful treatment of Latino employees.
- Successfully defending claims for accommodation for use of service and emotional support animals.
- Successfully defending numerous claims under the ADA and FMLA.
- Regularly provide human resources counseling and documentation on complicated issues involving leave laws such as ADA, FMLA, Fair Wages and Healthy Families Act (FWHFA), Sick and PTO, Crime Victims Leave Act, and Workers Compensation leave.
- Successfully handling return of hundreds of thousands of dollars hacked from a company that was subject to cyber-theft.
- Investigating and pursuing criminal prosecution as victims representative for companies in a number of cases, as well as obtaining restitution.
- Planning and implementing media communications strategy, communications to managers, employees and customers, liaison with law enforcement, representing employers in I-9 and E-Verify audits and defending against penalties and charges of knowingly hiring undocumented workers under federal immigration laws or the Legal Arizona Workers Act.
- Representing clients in ICE and E-Verify audits, including administrative subpoenas by the federal government, handling notices of suspect documents, notices of unauthorized aliens, notices of technical defects in I-9s, defending against allegations of knowingly employing unauthorized workers, and resolving civil penalties.
- Representing Maricopa County in performing an audit and obtaining the waiver and return of millions of dollars in legal fees from a national law firm due to billing issues.

## **Representative Matters Continued**

- Representing the Maricopa County Board of Supervisors in complex litigation regarding ownership and control over extensive computer infrastructure and software used by multiple entities.
- Defending employer in NLRB trial relating to a dispute between two unions claiming jurisdiction of the same work.
- Successfully defending employers in unfair labor practice charges before the NLRB. Assisting employers preserve the rights of their workers to decide for themselves whether to be represented by a labor union.
- Drafting a procedure manual for a state agency providing instructions regarding processing labor election petitions, and drafting a procedure manual for the agency providing instructions regarding processing unfair labor practice charges made by unions, employees or employers.
- Obtaining injunctions against former employees, including a former company president, a chief marketing officer, and lower-level employees.
- Investigating allegations by in-house counsel against the CEO.
- Successfully defending OSHA citation against general contractor for a subcontractor's violation of fall protection standard.
- Obtaining dismissal of OSHA citations in New Mexico against highway construction subcontractor for a fatality of the general contractor's employee that was shown at the hearing/trial to have been the responsibility of the general contractor and the state highway department.
- Successfully bringing claims to discover who was anonymously blogging or posting disparaging comments or disclosing confidential information on the Internet.
- Successfully representing doctors and medical practice groups from allegations of inappropriate touching asserted by employees and patients, including defending professional licensing proceedings.
- Representing employers in American Recovery and Reinvestment Act and OFCCP audits and debarment proceedings and Federal Acquisition Regulation compliance for general contractors, subcontractors and manufacturers.
- Defending against Davis-Bacon compliance actions by Department of Labor.
- Successfully obtaining Department of Labor opinion letters upholding exemptions, including deferral of DOL enforcement action for three years pending obtained a DOL opinion letter that ultimately recognized FLSA exemption for nurses, mechanics and others associated with providing air ambulance services.
- Defending misclassification challenges regarding independent contractors versus employees.
- Investigating countless allegations of harassment, discrimination, employee theft, embezzlement, conflict of interest, disloyalty, misappropriation of trade secrets, violation of company policies, cyber-hacking, etc.
- Training thousands of management employees for industry-wide compliance with immigration hiring practices, diversity, anti-harassment/anti-discrimination policies, etc. in the restaurant, construction and other industries.
- Regularly providing human resources counseling employers in construction; retail; manufacturing; health services; financial services; high technology software, servicing and capital equipment manufacturing; employment/payroll services; mining and more, to comply with employment laws and reduce the risk of claims.
- Helping clients design and implement wellness programs that were compliant with the Affordable Care Act, GINA, the ADA, the tax code, as well as other laws.
- Assisting in the creation of nonqualified deferred compensation plans in order to retain and reward executives.
- Representing the U.S. Chamber of Commerce and 10 Arizona business associations in challenging the constitutionality of the Arizona employer sanctions immigration law, the Legal Workers Act (LAWA).
- Drafting and working on various employment law legislation through enactment in Arizona.
- Successfully conducting the hearing to defeat a bid protest of a \$20+ million highway construction contract.