



# Gary Smith, Esq.

smith@guidant.law  
(602) 888-9969

## EDUCATION

- B.A., English Literature, State University of New York College at Genesco
- J.D., California Western School of Law
- Certificate in Advanced Mediation, Pepperdine University School of Law: Straus Institute for Dispute Resolution

## BAR ADMISSIONS

- Admitted in Arizona, Colorado, New York, North Carolina, U.S. District Court, 9th Circuit District of Arizona, U.S. Court of Appeals for the 9th Circuit

## ACTIVITIES & MEMBERSHIPS

- Founder, Arizona Cannabis Bar Association
- Member, National Cannabis Bar Association
- Member, American Bar Association
- Member, International Cannabis Bar Association
- Emeritus Member, Maricopa County Bar Association
- Emeritus Member, Lorna Lockwood Inn of the Court
- Founding Director and former President, North Phoenix Bar Association
- Emeritus Member and Annual Convention Lecturer, Arizona Trustees Association
- Emeritus Director and Unlicensed Lender ask Force Member, Arizona Private Lender Association

A seasoned litigator, advisor, mediator and arbitrator, Gary Smith focuses his practice on commercial matters, construction, real estate, cannabis and administrative law. He has represented a wide range of individual and institutional clients in both State and Federal courts, administrative hearings, and arbitration.

Gary is among the most well-known voices in Arizona contracting and construction law. He is the author of highly regarded books, manuals and articles on the topic, including two legal treatises: The Orange Book: The Regulation of Arizona Contractors, 2nd Ed.: Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings and Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings. Additionally, he co-authored "Construction Lien Law in Arizona, A Practice Manual."

With a Certificate in Advanced Mediation from the Pepperdine University School of Law: Straus Institute for Dispute Resolution, Gary is highly skilled in Alternative Dispute Resolution (ADR). He has worked on partnership disputes, construction defect, design defect, real estate purchase, employment contract breach, business purchase contracts, consumer fraud, banking, and purchase contracts. Gary also has ample experience in arbitration, having handled construction design and defect, personal injury, contract disputes, and professional fees. He has been appointed to the American Arbitration Association roster of neutrals for both Mediation and Arbitration and has taught ADR classes for the association.

Moreover, Gary is one of the leading cannabis attorneys in the state, often advocating for ADR in the industry under the Weediator and Weediation brands. Notably, he served as amici counsel to the former Director of the Arizona Department of Health Services in the Arizona Supreme Court petition State v. Jones, attempting to restore cannabis extracts and concentrates to legal status under the Arizona Medical Marijuana Act. He has authored numerous articles about cannabis law, and he is commonly invited to share his expertise with professional association and industry groups. Further, Gary is a founder and current president of the Arizona Cannabis Bar Association, an organization committed to educating lawyers and the public about cannabis law and responsible legislation.

Prior to founding Guidant, Gary served as a founding member and managing partner at Smith Paknejad, PLC. Before that, he worked as the Chief Litigation Counsel at McCarthy Law, PLC. At this multi-state consumer defense law firm, he was responsible for litigation and workouts, including defense of clients sued for both secured and unsecured credit card, real estate, and commercial debt. His practice focus was credit and collection law, including TILA, FDCPA, and FCRA.

## REPRESENTATIVE MATTERS

- Amici counsel to the former Director of the Arizona Department of Health Services on successful Arizona Supreme Court petition which restored cannabis extracts and concentrates to legal status under Arizona's Medical Marijuana Act.
- Represented dispensary owner in multi-million dollar litigation with partners.
- Represented dispensary investor in multi-million dollar investment fraud litigation.
- Represented dispensary owner through dispensary receivership.
- Represented owner of rock products corporation in shareholder litigation and receivership.
- Lead counsel on more than 200 Registrar of Contractors cases.
- Lead counsel in more than 300 construction disputes.
- Represented project owners in litigation against their general contractor arising from fraudulent billing committed in cost-plus contract.
- Acted as a settled judge pro tempore to resolve \$500,000+ insurance coverage suit between a hotelier and its architect.
- Acted as arbitrator to settle dispute between a fine art gallery and memorabilia dealer over rare turn-of-the-century baseball cards and Marilyn Monroe collectibles.

## REPORTED CASES

- State of Arizona v. Rodney Christopher Jones, Arizona Supreme Court, vacating 245 Ariz. 49 (App. 2018). Represented the former Director of the Arizona Department of Health Services as amici party in this seminal case that by unanimous decision established the legality of extracted cannabis resin under Arizona's Medical Marijuana Act. (May 28, 2019)

## RECOGNITIONS

- Martindale-Hubbell® AV Preeminent® rated

## PUBLICATIONS

### Books:

- Author, The Regulation of Arizona Contractors, 2nd Ed.: Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings, "The Orange Book" (2015)
- Author, Practice and Procedure Before the Arizona Registrar of Contractors and Office of Administrative Hearings, "The Orange Book" (2003)
- Co-author, Construction Lien Law in Arizona, A Practice Manual, co-author, State Bar of Arizona (2002)

### Articles:

- Author, "Where There's Weed, There's an Heir," Marijuana Industry Trade Association News (July 2019)
- Author, "Federal Trademark Registration is Available for Hemp," Marijuana Industry Trade Association News (January 2019)
- Author, "Lack of Access to Bankruptcy Continues to Hamper the Industry," Marijuana Industry Trade Association News (January 2019)
- Author, "Cannabis Litigation," Marijuana Industry Trade Association News (August 2018)
- Author, "What Happens if State v. Jones is Not Overturned?" Marijuana Industry Trade Association News (August 2018)
- Author, "Does This Lawsuit Come in My Size?" Marijuana Industry Trade Association News (Sept. 2018)
- Author, "Patients Last," Phoenix New Times (2012)
- Author, "Can Dispensary Agents Be Independent Contractors?" The Green Leaf and © Gary Michael Smith (June 2011)
- Author, "Secured Transactions," Scottsdale Airpark News and © Gary Michael Smith (June 2006)
- Author, "Do I Have to Put It in Writing?" Scottsdale Airpark News and © Gary Michael Smith (Feb. 2006)
- Author, "Arizona's In-Home Solicitation Law: A Weapon for Consumers" Scottsdale Airpark News and © Gary Michael Smith (Oct. 2005)
- Author, "Non-Compete and Non-Disclosure Agreements," Scottsdale Airpark News and © Gary Michael Smith (Aug. 2005)
- Author, "Construction Contract Types," Scottsdale Airpark News and © Gary Michael Smith (May 2005)
- Author, "Is Your Contractor Licensed?" Scottsdale Airpark News and © Gary Michael Smith (April 2005)
- Author, "What Are All Those Symbols?" Scottsdale Airpark News and © Gary Michael Smith (Feb. 2005)
- Author, "Trade Secrets: Protecting Your Assets" Scottsdale Airpark News and © Gary Michael Smith (Dec. 2004)
- Author "Arbitration? Mediation? 26 Questions Answered," Scottsdale Airpark News and © Gary Michael Smith (Oct. 2004)
- Author, "Getting Real About Lawyers: Client Rights & Responsibilities," Deer Valley Business Magazine and © Gary Michael Smith (Sept. 2004)
- Author, "Negotiating the Commercial Lease: The Tenant's Perspective," Scottsdale Airpark News and © Gary Michael Smith (Aug. 2004)
- Author, "Proper Maintenance of Your Arizona Corporation," © Gary Michael Smith (Aug. 2003)
- Author, "The Law of the Internet," Freedom of Speech Under the First Amendment, A Primer for Internet Users © Gary Michael Smith (1997)
- Author "Can San Diego Constitutionally Ban Panhandling in Balboa Park?" © Gary Michael Smith Law School Senior Thesis, California Western School of Law (1993)

## PRESENTATIONS

- Co-Presenter, "Cannabis 101," presented in conjunction with the Minnesota State Bar Association, Webcast (Nov. 5, 2019)
- Presenter, "Veterinary Marijuana," presented in conjunction with the Arizona Veterinary Medical Association, Phoenix (Sept. 15, 2019)
- Presenter, "Cannabis Update 2019," presented in conjunction with the Arizona Cannabis Bar Association and the State Bar of Arizona, Bar Convention, Chandler (June 26, 2019)
- Presenter, "State v. Jones: Breaking Down the Case for Extracts," presented in conjunction with the Arizona Cannabis Bar Association and Arizona State University (May 17, 2019)
- Presenter, "10,000 Years of Cannabis History and Law AND Ethics for Cannabis Lawyers," presented in conjunction with the Arizona Cannabis Bar Association and the State Bar of Arizona (April 9, 2018)
- Presenter, "Ethics for Cannabis Lawyers and Paralegals," presented in conjunction with the Arizona Cannabis Bar Association and the Arizona Paralegal Association (March 14, 2018)
- Presenter "Its Not Easy Being Green - Smoking Hot Topics: A summary of key issues and litigation topics brought on by Arizona's Medical Marijuana Act," presented in conjunction with the Arizona Cannabis Bar Association and the Arizona Paralegal Association (Jan. 26, 2018)
- Presenter, "Cannabis Extractions," presented in conjunction with the Arizona Cannabis Bar Association, live seminar at the Navajo County Courthouse with the Arizona Cannabis Bar Association (Dec. 1, 2017)
- Presenter, "Drafting Arbitration Clauses and Agreements for the Cannabis Industry" presented in conjunction with the Arizona Cannabis Bar Association and the American Arbitration Association (Oct. 13, 2017)
- Presenter, "ACBA Panel Presentation: Cannabis Law 2017" [Winner of the Arizona State Bar President's Award], presented in conjunction with the Arizona Cannabis Bar Association and the State Bar of Arizona, Bar Convention, Tucson (June 14, 2017)
- Participating panelist, "How the ROC is Rolling: Updates from Inside and Outside the Arizona Registrar of Contractors," State Bar

- Presenter, "The ABCs of Marijuana Law," The State Bar of Arizona: Solo Practitioner's Section (April 8, 2016)
- Presenter, "Marijuana in Arizona: Recent Cases, The Rise of the Recreational Use, and the Coming of Arizona's Pot Tsar," The North Phoenix Bar Association, (Feb. 10, 2016)
- Presenter, "ROC Potpourri: Stuff You Forgot and Stuff You Never Knew," presented at the State Bar of Arizona Construction Law Section (Dec. 1, 2015)
- Presenter, "Why Things Changed at The Registrar of Contractors," The North Phoenix Bar Association (March 11, 2015)
- Presenter, "Updates to the Arizona Medical Marijuana Act 2014," presented at the North Phoenix Bar Association (April 9, 2014)
- Presenter, "Media Issues," Lorna Lockwood Inn of Court, (April 18, 2013)
- Presenter, "The Status of Medical Marijuana Litigation in Arizona and How It Will Affect Patient and Caregiver Rights and Responsibilities under Proposition 203," Elements Caregiver Collective, (Jan. 29, 2012)
- Presenter, "Patient and Caregiver Rights and Responsibilities under Proposition 203," Elements Caregiver Collective, (Nov. 13, 2011)
- Presenter, "Proposition 203 Lawsuit Updates," Arizona Association of Dispensaries, (Nov. 12, 2011)
- Presenter, "Medicinal Marijuana Compassion Clubs in Arizona," Arizona Association of Dispensaries (July 16, 2011)
- Presenter, "Appealing an Adverse ADHS Ruling," The Green Relief Medicinal Marijuana Convention (April 14, 2011)
- Presenter, "Collections Law," The Arizona Private Lender Association (Oct. 26, 2010)
- Presenter, "Contracting Law 101," presented in conjunction with Accurate Lien and Contractor Services (Nov. 18, 2010)
- Presenter, "Trustee's Sale Gone Wild," The Annual Convention of the Arizona Trustees Association (Sept. 2, 2010)
- Presenter, "Arizona Mechanic's Lien Law Seminar," annual presentation in conjunction with Accurate Lien and Contractor Services (Nov. 17, 2009)
- Participating Lecturer, "Legal Breakfast Seminar Series," American Subcontractors Association, Arizona Chapter (2003)
- Co-Lecturer and seminar manual author, "'What's This?' The (mostly) Complete Guide to Registrar of Contractors Complaints, New and Improved for 2002," CLE West (Feb. 21, 2002)
- Co-lecturer and seminar manual author, "When Bad Things Happen to Good Lawyers: The Morbidity and Mortality of an Unusual Registrar of Contractors Case," Arizona State Bar Construction Law Section (Nov. 6, 2001)
- Lecturer, "Professionalism," State Bar of Arizona, Mandatory Continuing Legal Education (March 15, 2000)
- Lecturer, "The Paperless Office: Myth or Reality," The Maricopa County Bar Association (June 17, 1999)
- Presenter, "The Law of the Internet" The National Business Institute (1997)

## **MEDIA APPEARANCES**

- Quoted, "Arizona Supreme Court Ruling on State v. Jones is a Sweet Victory for Medical Marijuana Patients," The Cannabis Reporter (June 2019)
- Podcast guest, "The Supreme Court Win That Saved Arizona's Cannabis Industry," The Cannabis Reporter (June 2019)
- Quoted, "Medical Marijuana Extracts Ruling Could Open a Business Gateway in Arizona, Experts Say," Marijuana Business Daily (May 30, 2019)
- Quoted, "Arizona Judge Changes Mind on Medical-Cannabis Extracts, but Legality Still Unclear," Phoenix New Times (March 15, 2018)
- Guest Columnist, "Medical-pot dispensaries: Doomed to Extinction?" The Arizona Republic (Feb. 9, 2018)
- Quoted, "Here We Go Again: Medical-Cannabis Extracts at Arizona Dispensaries Deemed Illegal," Phoenix New Times, (Oct. 23, 2017)
- Quoted, "Why Your Financial Service Agreement Includes Arbitration," Yahoo! Finance (March 27, 2017)
- Quoted, "Why Your Financial Service Agreement Includes Arbitration," US News and World Report (March 27, 2017)
- Guest Commentator, "Topic: Arizona Cannabis Bar Association," Money Radio (105.3 FM), live broadcast (March 20, 2017)
- Quoted, "Week in Review: Maine Marijuana Setback, Arizona MMJ Lawsuits & Investment Avalanche," Marijuana Business Daily (March 4, 2016)
- Quoted, "No Relief: Ruling Highlights Lack of Options for Marijuana Companies Seeking Bankruptcy Protection," Marijuana Business Daily (Aug. 27, 2015)
- Television commentator, "Arizona Reacts to Court Ruling in Favor of Same-Sex Marriage," KTVK, Channel 3 (Oct. 18, 2014)
- Television commentator, "Data Breach and Identity Theft," KPFX, Channel 12 (Aug. 4, 2014)
- Television commentator, "Mesa Homeowners Fighting Former HOA Board," KNXV, Channel 5, (July 29, 2014)
- Quoted, Feature Article, Arizona Foothills Magazine (July 16, 2014)
- Guest columnist, "Can Dispensary Agents Be Independent Contractors?" The GREEN Leaf Magazine (June 2011)