



Attorney Kevin M. Judiscak

Shareholder

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2800 North Central Avenue, Suite 1200, Phoenix, Arizona 85004

Practice Areas

Commercial Litigation

Creditors' Rights

Loan Workouts

Commercial Landlord Tenant
Law

Real Estate

Education

University of Notre Dame, J.D.,
magna cum laude 1989 and
member of the Notre Dame
Law Review

University of Colorado, B.S.,
summa cum laude 1985

Admissions

Arizona-State and Federal
Courts.

Appointed Judge Pro Tempore
for the Superior Court in
Maricopa County, 2009
through present.

Assisted By

Heidi A.



Kevin M. Judiscak joined the firm just after it was formed to develop and chair the firm's litigation practice after gaining substantial experience from his prior tenure at two of Arizona's largest firms. He brings a focused and strategic approach to the litigation process, and assists business clients in beneficially resolving pending or threatened disputes.

Kevin litigates varied types of commercial disputes, including:

Enforcement and defense of interests under commercial loan agreements, guaranties, and collateral agreements;

Enforcement of creditors' rights in personal property and real estate collateral through judicial and non-judicial enforcement, including receiverships and provisional remedies;

Enforcement of real estate contracts, sales agreements and disputes arising in implementation of these agreements;

Enforcement of rights and obligations in disputes between shareholders, members, or partners in closely held businesses;

Enforcement or defense of non-compete and other restrictive covenants arising out of employment contracts, shareholder agreements or business sales;

Enforcement or defense of commercial real estate leases, including forcible entry and detainer / eviction proceedings.

Kevin has represented clients in state and federal courts, bankruptcy court, commercial arbitration proceedings, and mediations. He represents clients at the trial court level, and in the appellate courts, including special actions.

Focus

To achieve excellent results for clients involved in challenging business disputes, whether through litigation, arbitration, mediation and/or negotiated settlements.

Clients

Bankers, Commercial Landlords, Commercial Lenders, Doctors and Physician Owned Groups, Financial Institutions, Franchisees, Private Education and Charter Schools, Property Managers, Real Estate Brokers (Commercial and Residential), Real Estate Developers, Shopping Centers

Industries

Banking and Finance, Business, Franchising, Healthcare, Real Estate



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Professional

State Bar of Arizona, Trial Practice Section

Arizona Association of Defense Counsel

Appointed Judge Pro Tempore to the Superior Court in Maricopa County, 2009 through present

Recognition

Recognized in *The Best Lawyers in America*® in the field of Commercial Litigation Law in Phoenix, AZ, since 2021; and Litigation - Real Estate in Phoenix, AZ since 2022

Selected to Southwest Super Lawyers, Business Litigation, Civil Litigation, since 2010

Career Highlights

Representation of an Arizona bank in defending a 7-figure lender liability suit.

Representation of prominent developer in litigation over ownership and disposition of numerous real estate partnerships and limited liability companies.

Representation of commercial guarantors in action to enforce 8-figure real estate indebtedness wrongfully commenced by lender.

Representation of leading financial institution in prejudgment repossession of inventory of a rental car company.

Representation of a business seller to recover the unpaid purchase price of the sold business.

Representation of the landlord in the high-profile eviction and forcible detainer action against an international subtenant, trial and appeals through the Arizona Supreme Court. The Court of Appeals case prompted a revision of Arizona statute allowing prevailing landlord to recover its attorneys' fees. *Camelback Plaza Development LC v. Hard Rock Café Intl.* (Phoenix), Inc., 200 Ariz. 206, 25 P.3d 8 (Ct. App. 2001).

Published Opinions

Camelback Plaza Development, LC v. Hard Rock Café Intl. (Phoenix), Inc., 200 Ariz. 206, 25 P.3d 8 (Ct. App. 2001).

Publications

Arizona Trial Handbook, published by West Group, since 1997. Topics include pretrial motions, evidence, witness examination, mistrial, jury instructions and judgment.