



KEVIN M. JUDISCAK

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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.

PRACTICE AREAS

- Appeals
- Commercial Landlord Tenant Law
- Commercial Litigation
- Creditors' Rights
- Loan Workouts
- Mediation
- 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

INDUSTRIES

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

PROFESSIONAL

- State Bar of Arizona, Trial Practice Section
- Appointed Judge Pro Tempore to the Superior Court in Maricopa County, 2009 through present.

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

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, 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 developers 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 landlords to recover their attorneys' fees.

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.*