



MICHAEL HENSLEY

PARTNER

Arizona

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Areas of Practice:

Bad Faith & Extra-Contractual Liability
Construction Litigation
Dram Shop & Social Host Liability
Educational Institutions Defense
Employment Law
General Civil Litigation
Insurance Coverage & Third-Party Liability
Wrongful Death & Personal Injury Defense

Industries Served:

Construction
Education
Government & Public Entities
Insurance
Professional Service Providers

For more than 32 years, Mike Hensley has focused his practice on general civil litigation and all types of insurance defense litigation, including life, health, disability, and ERISA claims litigation, bad faith defense, professional liability defense, employment law, employee benefits law, and government and public entities.

REPRESENTATIVE CASES

[Obtained summary judgment in Apache County Superior Court for a husband and wife owned family-style restaurant.](#) The plaintiff claimed personal injury following a serious traffic incident. A man lost control of his pickup truck and eventually collided with the plaintiff's vehicle which was stopped at a stop sign. Upon arrival, police found numerous open containers of alcohol in and around the pickup truck. When questioned by police the passenger in the pickup claimed that she and the driver had been drinking at the defendant's restaurant earlier. However, the driver of the pickup denied drinking at the client restaurant. Police arrested both the passenger and the driver of the pickup truck. The driver was found to have BAC of 0.22 two hours after the accident. Plaintiff brought suit, alleging the pickup truck driver was overserved alcohol at the client restaurant and therefore the restaurant bore fault in the accident. JSH attorneys moved for summary judgment that ultimately the plaintiff had no evidence proving any alcohol allegedly served by the client restaurant had anything to do with the traffic accident. The court agreed and granted summary judgment in the defendant client restaurant's favor.

[Obtained summary judgment in Maricopa County Superior Court for two Phoenix Police officers and a client restaurant.](#) The plaintiff alleged that the restaurant and the officers, who were working as an off-duty officer detail, were negligent in allowing a firearm inside the restaurant. Both officers were cleared because they were independent contractors, with no duty to the plaintiff. The court found that the restaurant completed all security measures it had undertaken to do, and that the plaintiff had failed to offer any competent evidence that something more should have been done. and granted summary judgment because the plaintiff failed to produce evidence that something more should have been done.

[Obtained summary judgment in Mohave County Superior Court on all claims and the costs of litigation to Plaintiff.](#) The client had complained to the Arizona Registrar of Contractors that a competitor was contracting without a license. The Registrar brought charges against the competing business, which eventually resulted in it losing some customers.

[Obtained dismissal for school district in bus-vehicle accident.](#) This case arose out of an accident between a school district bus and two other vehicles. The driver and passenger in one of the vehicles claimed severe injuries caused by the negligence of the school bus driver. The claims were denied and a lawsuit was subsequently filed. Defendant moved to dismiss, arguing the Notice of Claim Statute had been violated. Trial court agreed with Defense and ordered Plaintiff to pay attorneys' fees. Plaintiffs appealed, but the Arizona Court of Appeals affirmed the trial court's decision in favor of the Defendant.

[Prevailed by summary judgment in a declaratory judgment/coverage litigation, saving the client \\$1-million in additional UM/UIM benefits.](#) Plaintiffs were traveling from Minnesota to Arizona when their motorcycle was struck by a vehicle, causing severe injuries. Because the at-fault driver had minimum limits insurance, the Plaintiffs motorcycle insurer paid out \$100,000 in UIM coverage for each Mr. and Mrs. Plaintiff. Plaintiff then sued the carriers who insured their motorhome and car for \$1-million, in an attempt to "stack" additional UM/UIM coverage from those policies. The Court agreed with Defense that because Minnesota law applied, Plaintiffs could not "stack" UM/UIM coverage from other vehicles.

CIVIC & COMMUNITY ASSOCIATIONS

- A Stepping Stone Foundation, Board of Directors and Past President, 1999-2013
- Arizona State University Law School Alumni Association Board of Directors Member, 2019

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- American Bar Association, Member
- Arizona Association of Defense Counsel, Member
- Arizona State University College of Law Alumni Association, Board Member
- Defense Research Institute, Member of the ERISA, Life, Health and Disability Insurance Subsection
- Horace Rumble Inn of Court, Barrister, 2001-Present
- Arizona Superior Court, Maricopa County, Judge Pro Tem

PROFESSIONAL RECOGNITION & AWARDS

- AV® Preeminent™ Rated by Martindale-Hubbell
- *Best Lawyers in America*®, Insurance Law, 2018-2021, Litigation – Insurance, Personal Injury Litigation – Defendants, 2021
- Arizona's Top Lawyers for Insurance and Employee Benefits, Arizona Business Magazine, 2016
- Arizona's Finest Lawyers
- The Arizona Republic Top Lawyers, 2016-present

PRESENTATIONS & PUBLICATIONS

- "Trustee Training: Trustee Fiduciary Obligations and Conflicts of Interest and Open Meeting Laws in an Electronic Age," Presenter, Northern Arizona Employee Benefit Trust, February 2017
- "Trustee Training: Trustee Fiduciary Obligations and Conflicts of Interest, Open Meeting Laws in an Electronic Age, and HIPPA Obligations for Employee Benefit Plans," Presenter, Arizona Local Government Employee Benefit Trust, February 2017
- "Trustee Training: Trustee Fiduciary Obligations and Conflicts of Interest, Open Meeting Laws in an Electronic Age, and HIPPA Obligations for Employee Benefit Plans," Presenter, Rural Arizona Governmental Health Trust, February 2017
- Trustee Training: Trustee Fiduciary Obligations and Conflicts of Interest and Open Meeting Laws in an Electronic Age," Presenter, Cochise Combined Trust, January 2017
- "Rapid Fire Drill: AZ Case Law Updates," Presenter, JSH Seminar, October 2013
- "Managing the Maze: The Interplay Between ADA, FMLA and Workers' Compensation," Co-Presenter, CorVel Corporation's Educational Spring Seminar, April 2013
- "Benefit Claims Appeals Under the Affordable Care Act," Presenter, Northwest Arizona Employee Benefit Trust, March 2013
- "Benefit Claims Appeals Under the Affordable Care Act," Presenter, Arizona Metropolitan Employee Benefit Trust, February 2013
- "Benefit Claims Appeals Under the Affordable Care Act," Presenter, Rural Arizona Governmental Health Trust, February 2013
- "Construction Defect Tenders and Related Topics," Presenter, Arizona Insurance Claims Association, October 2012
- "2009 Changes to the Family Medical Leave Act," Presenter, The Mahoney Group's Benefits Litigation Seminar, April 2009
- "How to Defend a Life, Health and Disability Claim Under ERISA," Presenter, USLAW Network's ERISA Task Force Boot Camp, September 2007
- "Claims Appeals: A Trustee's Primer," Presenter, Arizona Local Government Employee Benefit Trust, Cochise Combined Trust, Lake Havasu City Employee Benefit Trust and Rural Arizona Governmental Health Trust, February 2007
- "The Winning Numbers Are: 8-10-15-2-8/70," Author, JSH Reporter, Winter 2002
- "Formal Service of Summons is Required to Start the 30-Day Period Under 28 U.S.C. Section 1446(b)," Author, ABA TIPS Health and Disability Insurance Law Newsletter, Fall 1999

EDUCATION

Arizona College of Trial Advocacy, 1990

Arizona State University, Sandra Day O'Connor College of Law, J.D., *with Distinction*, 1986

Best Oral Advocate, Constitutional Law, 1985

Best Oral Advocate First Runner-Up, Regional Competition, Philip C. Jessup, International Law Moot Court Team, 1985

Arizona State University, B.S., Business Administration, 1980

University of Alaska, Anchorage

University of Hawaii, Manoa

BAR ADMISSIONS

Arizona, 1986

U.S. District Court, District of Arizona

U.S. Court of Appeals, Ninth Circuit