



ROBERT BERK

PARTNER

Arizona

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Areas of Practice:

Commercial & Business Litigation
Insurance Coverage & Third-Party Liability
Product Liability Defense
Professional Liability

Industries Served:

Insurance
Manufacturers
Medical Service Providers
Professional Service Providers

Bob Berk represents both plaintiffs and defendants in contract disputes, insurance coverage and bad faith, professional liability, environmental and toxic tort, construction defect, and real estate. During his 36-plus-year career, Bob has tried numerous cases to verdict. He is a member of the [American Board of Trial Advocates](#), which requires, as a condition of membership, a minimum number of jury trials to verdict, and he has been consistently recognized as one of the top commercial litigators in Arizona.

Bob also provides ADR services. He is a member of the American Arbitration Association's (AAA) Commercial Panel, and he serves as both a mediator and an arbitrator. Bob has served as a Judge Pro Tempore for the Maricopa County Superior Court since 2005, and, as both an advocate and neutral, has participated in and conducted hundreds of successful mediations and settlement conferences. He has ADR experience in virtually every subject area, including multi-million dollar intellectual property disputes, auto accidents, multi-party construction cases, toxic tort class actions, eight-figure insurance bad faith claims, legal malpractice claims involving multiple firms, banking disputes, and cases arising out of real estate contracts. He has also arbitrated several cases.

REPRESENTATIVE CASES

- Represented international logistics provider in contract disputes with competitors and former employees, many of cases involved complex intellectual property issues.
- Represented multi-state homebuilders in disputes with other companies, buyers, and governmental entities.
- Represented largest title insurer in the world in several multi-million disputes with insureds and third-parties.
- Successfully litigated challenges to validity and reasonableness of multi-million settlements by insurers, including appellate invalidation, of stipulated \$48 million judgment.
- Represented accounting firm in multi-million malpractice suit filed by a former professional athlete.
- Represented law firm accused of negligently drafting 50-year ground lease, resulting in millions of dollars in lost rent revenue.
- Represented company accused of TCE pollution of groundwater near Tucson Airport.
- Represented large city in class action arising out of City's alleged failure to provide adequate drainage for contaminated water and sewage.
- Successfully defended renowned former political operative for a U.S. President in a three-week jury trial involving claims of defamation.
- Tried to jury verdict a dispute involving \$60-million bad faith case arising out of disputed liens recorded against condominium tower.
- Arbitrated complex multi-family construction case with millions of dollars in dispute.

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

- [American Board of Trial Advocates](#), Member
- USLAW Network, Member
- American Bar Association, Member, Legal Malpractice Subcommittee
- Arizona Superior Court, Maricopa County, Judge Pro Tem, 2005-present
- Professional Liability Attorney Network (PLAN), Member
- Arizona State Bar, Board Member, Fee Arbitration Committee, 1993-2000

PROFESSIONAL RECOGNITION & AWARDS

- *Best Lawyers in America*®, Insurance Law, Litigation – Insurance; Product Liability Litigation – Defendants, 2014-2022; Commercial Litigation, 2021-2022

- AV® Preeminent™ Rated by Martindale-Hubbell

PRESENTATIONS & PUBLICATIONS

Bob frequently speaks at conferences and seminars, including the State Bar of Arizona Convention, USLAW Conferences, and PLAN Conferences. Additional presentations and publications include:

- “Mediation Options and Strategies,” PLAN CLE Workshop, May 2020
- [“Living Through Change: How the New Civil Practice Rules Are Working, and How They Will Affect You,”](#) Co-Presenter, State Bar of Arizona Convention, June 2019
- “Current Issues In Professional Liability,” Co-Presenter, February 2019
- “Mediation Options and Strategies,” PLAN CLE Workshop, May 2018
- “Legal Malpractice Strategies (And A Little Music Trivia),” Presenter, AADC CLE Retreat, June 2016
- “How to Avoid the Hot Seat: Good Claims Handling in Arizona,” Presenter, JSH Annual Seminar: It’s All Fun and Games Until Someone Gets Hurt, November 2014
- “Arizona Court of Appeals Expands, Then Narrows, Anti-Deficiency Protection,” Author, *JSH Reporter*, Fall 2014
- “Advice For New Associates From a Partner’s Perspective,” Presenter, AADC YLD, April 2014
- “Rapid Fire Drill: AZ Case Law Updates,” Presenter, JSH Seminar, October 2013

EDUCATION

Arizona State University, Sandra Day O’Connor College of Law, J.D., 1985

Arizona State University, B.S., *magna cum laude*, 1982

BAR ADMISSIONS

Arizona, 1985

U.S. District Court, District of Arizona

U.S. Court of Appeals, Ninth Circuit