



## ROBERT BERK

### PARTNER

Arizona

[rberk@jshfirm.com](mailto:rberk@jshfirm.com) | T: 602.263.1781 | F: 602.200.7818

**Legal Assistant:** Kathy Kleinschmidt | T: 602.263.1781 | [kkleinschmidt@jshfirm.com](mailto:kkleinschmidt@jshfirm.com)

#### 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's practice focuses on representing both plaintiffs and defendants in commercial/contract litigation, defending professionals, coverage litigation, and ADR. He also is available to mediate and arbitrate commercial/contract disputes. During his 35-plus-year career, Bob has litigated almost every type of dispute, from basic collection actions to complex corporate matters. He has tried numerous cases, including breach of contract, defamation, trade secrets, landlord-tenant, trade secrets, title insurance and insurance coverage. 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.

### 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, 2004-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, 2014-2021; Commercial Litigation, 2021
- 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:

- "[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



<b>Current Employer-Title</b>	Jones Skelton and Hochuli - Partner
<b>Profession</b>	Attorney, Arbitrator
<b>Work History</b>	Partner/Associate Attorney, Jones Skelton and Hochuli, 1989-Present; Associate Attorney, Levy Sherwood Klein & Dudley, 1985-1989.
<b>Experience</b>	<p>Thirty-six years of experience handling complex litigation, including contract, insurance (including bad faith), professional liability, environmental, construction, tort and real estate.</p> <p><b>Contracts:</b> Represented plaintiff and defendants in numerous domestic and international disputes regarding interpretation and enforcement of contracts. Representative examples include representation, since 2010, of international logistics provider in contract disputes with competitors and former employees, many of cases involved complex intellectual property issues; representation, since 1995, of multi-state homebuilders in disputes with other companies, buyers and governmental entities; representation, since 2011, of largest title insurer in the world in several multi-million disputes with insureds and third-parties, and representation of provider of IT consulting services. Tried many of these cases to conclusion and arbitrated several others.</p> <p><b>Insurance:</b> For the past 30 years, represented many of the largest liability carriers in the world in disputes over contract interpretation, coverage, and bad faith. Representative examples include litigated challenges, on behalf of insurers, to validity and reasonableness of multi-million settlements by insurers, including appellate invalidation, in reported appellate decision, of stipulated \$48 million judgment, and defense of numerous carriers in bad faith suits.</p> <p><b>Professional Liability:</b> Since 1990, represented hundreds of attorneys, accountants, engineers, etc. in professional disputes and administrative disciplinary proceedings. Representative examples include representation of accounting firm in multi-million malpractice suit filed by a former professional athlete, and representation of law firm accused of negligently drafting 50-year ground lease, resulting in millions of dollars in loss rent revenue.</p> <p><b>Environmental:</b> Handled several large, toxic tort cases involving alleged groundwater contamination, leaking underground storage tanks and mold. Representative examples include representation of company accused of TCE pollution of</p>

*Robert Berk, Esq.*  
*Neutral ID : 5360866*

groundwater near Tucson Airport, and representation of a large city in Arizona, in 2018, in class action arising out of City's alleged failure to provide adequate drainage for contaminated water and sewage.

**Construction:**

In addition to regularly representing real estate sellers and purchasers in contract disputes, and representing contractors before the Registrar of Contractors, have litigated and arbitrated numerous construction disputes. Representative examples include an arbitration between developer and general contractor, which was decided after two weeks of hearings.

**Tort:**

Litigated virtually every variety of tort dispute, from simple slip-and-fall cases, to product liability cases, to class actions. Representative examples include: successful defense of a renowned former-campaign chief for a U.S. President in a three-week jury trial involving claims of defamation.

**Real Estate:**

Handled quiet title actions, title disputes, real estate purchase disputes, and ownership disputes. Representative examples include trying to jury verdict a dispute involving \$60 million bad faith case arising out of disputed liens recorded against condominium tower.

**Alternative Dispute Resolution Experience**

Served as arbitrator in five to ten insurance disputes.

**Alternative Dispute Resolution Training**

Maricopa County Superior Court, Training for Judges Pro Tempore, 2005.

**Professional Licenses**

Admitted to the Bar: Arizona (1985); US District Court: District of Arizona (1995); US Court of Appeals: 9th Circuit (1995).

**Professional Associations**

USLAW Network, Member; American Bar Association, Member, Legal Malpractice Subcommittee; Arizona Superior Court, Maricopa County, Judge Pro Tem, 2004-Present; Professional Liability Attorney Network, Member.

**Education**

Arizona State University - Sandra Day O'Connor College of Law (JD-1985); Arizona State University (BS, magna cum laude-1982).

**Publications and Speaking Engagements**

"Mediation Options and Strategies," PLAN CLE Workshop, 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, 2019; "Mediation Options and Strategies," PLAN CLE Workshop, 2018; "Legal Malpractice Strategies (And A Little Music Trivia)," Presenter, AADC CLE Retreat, 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, 2014; "Arizona Court of Appeals Expands, Then Narrows, Anti-Deficiency Protection," Author, JSH Reporter, 2014; "Advice For New Associates From a Partner's Perspective," Presenter, AADC YLD, 2014; "Rapid Fire Drill: AZ Case

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The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA's Roster.

Law Updates," Presenter, JSH Seminar, 2013.

**Awards and Honors**

American Board of Trial Advocates (membership limited to attorneys with extensive trial experience); Best Lawyers in America®, Insurance Law, 2014-2021, Litigation – Insurance, 2014-2021, Product Liability Litigation – Defendants, 2014-2021, Commercial Litigation, 2021; AV® Preeminent™ Rated on Martindale Hubbell.

**Citizenship**

United States of America

**Languages**

English

**Locale**

Phoenix, Arizona, United States of America

**Compensation**

Hearing:	\$400.00/Hr
Study:	\$400.00/Hr
Travel:	\$200.00/Hr
Cancellation:	\$400.00/Day
Cancellation Period:	1 Days
Comment:	

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**Current Employer-Title** Jones Skelton and Hochuli - Partner

**Mediation Profession** Attorney, Mediator

**Work History** Partner/Associate Attorney, Jones Skelton and Hochuli, 1989-Present; Associate Attorney, Levy Sherwood Klein & Dudley, 1985-1989.

**Experience** Thirty-six years of experience handling complex litigation, including contract, insurance (including bad faith), professional liability, environmental, construction, tort and real estate.

**Contracts:**

Represented plaintiff and defendants in numerous domestic and international disputes regarding interpretation and enforcement of contracts. Representative examples include representation, since 2010, of international logistics provider in contract disputes with competitors and former employees, many of cases involved complex intellectual property issues; representation, since 1995, of multi-state homebuilders in disputes with other companies, buyers and governmental entities; representation, since 2011, of largest title insurer in the world in several multi-million disputes with insureds and third-parties, and representation of provider of IT consulting services. Tried many of these cases to conclusion and arbitrated several others.

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**Professional Liability:**

Since 1990, represented hundreds of attorneys, accountants, engineers, etc. in professional disputes and administrative disciplinary proceedings. Representative examples include representation of accounting firm in multi-million malpractice suit filed by a former professional athlete, and representation of law firm accused of negligently drafting 50-year ground lease, resulting in millions of dollars in loss rent revenue.

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**Tort:**

Litigated virtually every variety of tort dispute, from simple slip-and-fall cases, to product liability cases, to class actions. Representative examples include: successful defense of a renowned former-campaign chief for a U.S. President in a three-week jury trial involving claims of defamation.

**Real Estate:**

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**Experience as a Mediator**

Presided as Judge Pro Tempore over 100 successful settlement conferences between 2005 and 2021, and served as private mediator in dozens of successful mediations. Subject matter ranged from auto accidents to disputes over ownership of intellectual property.

**Representative Issues Handled as a Mediator**

Successfully mediated cases in virtually every subject area, including multi-million dollar intellectual property disputes, trade secret cases, construction disputes, and tort cases.

**Multi-Party Dispute Resolution Experience**

Arbitrated three to five cases in various subject areas (e.g. insurance disputes, commercial contract disputes, and auto accidents), with dollar amounts up to six figures. Acted as an advocate in five arbitrations, including, since 2018, a complex multi-family construction case with millions of dollars in dispute, and a dispute between a seller and buyer of residential real estate.

**Years of Practice as a Mediator**

20

**Total Number of Cases Mediated**

100+

**Mediation Experience as an Advocate or Party**

Participated, as an advocate, in over 200 mediations and settlement conferences, including multi-party construction cases, toxic tort class actions, eight figure insurance bad faith claims, legal malpractice claims involving several firms, banking disputes, and cases arising out of real estate contracts.

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<b>Mediation Philosophy</b>	The role of the mediator is more than simply conveying demands and offers. The mediator should have experience in the subject matter in general, should be knowledgeable about the specific dispute, and should be prepared/willing to offer his or her expertise if it would help the process. And although the objective is to achieve a settlement, participants shouldn't be strong-armed. Regardless of whether the case settles, all parties should feel like they were heard and treated with respect.
<b>Mediation References</b>	Hyung Choi, hyung@choiandfabian.com (480) 517-1400 Jannea Rogers, rjannea.rogers@arlaw.com (251) 433-3234 Christopher Lon, clonn@mclawfirm.com (480) 609-5220
<b>Alternative Dispute Resolution Training</b>	Maricopa County Superior Court, Training for Judges Pro Tempore, 2005.
<b>Professional Licenses</b>	Admitted to the Bar: Arizona (1985); US District Court: District of Arizona (1995); US Court of Appeals: 9th Circuit (1995).
<b>Professional Associations</b>	USLAW Network, Member; American Bar Association, Member, Legal Malpractice Subcommittee; Arizona Superior Court, Maricopa County, Judge Pro Tem, 2004-Present; Professional Liability Attorney Network, Member.
<b>Education</b>	Arizona State University - Sandra Day O'Connor College of Law (JD-1985); Arizona State University (BS, magna cum laude-1982).
<b>Awards and Honors</b>	American Board of Trial Advocates (membership limited to attorneys with extensive trial experience); Best Lawyers in America®, Insurance Law, 2014-2021, Litigation – Insurance, 2014-2021, Product Liability Litigation – Defendants, 2014-2021, Commercial Litigation, 2021; AV® Preeminent™ Rated on Martindale Hubbell.
<b>Publications and Speaking Engagements</b>	"Mediation Options and Strategies," PLAN CLE Workshop, 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, 2019; "Mediation Options and Strategies," PLAN CLE Workshop, 2018; "Legal Malpractice Strategies (And A Little Music Trivia)," Presenter, AADC CLE Retreat, 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, 2014; "Arizona Court of Appeals Expands, Then Narrows, Anti-Deficiency Protection," Author, JSH Reporter, 2014; "Advice For New Associates From a Partner's Perspective," Presenter, AADC YLD, 2014; "Rapid Fire Drill: AZ Case Law Updates," Presenter, JSH Seminar, 2013.
<b>Citizenship</b>	United States of America
<b>Languages</b>	English
<b>Locale</b>	Phoenix, Arizona, United States of America
<b>Compensation</b>	Hearing: \$400.00/Hr

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Study:	\$400.00/Hr
Travel:	\$200.00/Hr
Cancellation:	\$400.00/Day
Cancellation Period:	1 Days
Comment:	For travel outside the metro-Phoenix area, reasonable charges will be added for transportation, lodging and meal

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