



CHARLES W. WIRKEN

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Charles (Chas) Wirken's extensive appellate experience coupled with his expertise has earned the respect of his peers and appellate judges, as indicated by his election as a Fellow in the American Academy of Appellate Lawyers inclusion in *Best Lawyers in America*® in the Appellate Law category, and listings in *Chambers USA* "America's Leading Lawyers" for Litigation: Appellate and the Appellate practice category of *Southwest Super Lawyers*®. Chas was named one of the Top 100 Lawyers in Arizona in 2015, 2018, and 2021, and a *Best Lawyers*® Lawyer of the Year in 2016, 2018, and 2021.

Having briefed and argued nearly 200 appeals involving a broad range of cases and issues in both state and federal appellate courts, Chas has become a valuable resource to trial lawyers inside and outside of Gust Rosenfeld. He has served as a judge *pro tem* of the Arizona Court of Appeals and co-founded the State Bar Appellate Practice Section. He regularly shares his knowledge with other lawyers as a faculty member of the State Bar's Appellate Practice Institute.

In 2009, Chas successfully petitioned the United States Supreme Court to hear the case of *United Student Aid Funds, Inc. vs. Espinosa*. He was the primary draftsman of the briefs leading to a favorable decision that settled the procedural requirements for the discharge of student loan debt in bankruptcy cases. In 2017, he briefed and argued the case of *Howell v. Howell* at the high court.

The other focus of Chas's practice is the resolution of business disputes. He has tried a wide variety of commercial disputes to judges and juries in state and federal courts. His national reputation for the litigation of cases involving franchises, dealers, distributors and licensors is reinforced by his listing in *The Best Lawyers in America*® Franchising Law category. Since 1980, Chas has represented both franchisors and franchisees from various franchise systems, in contract, business tort, intellectual property and government regulation disputes typically encountered by such clients.

Chas brings to his advocacy the perspective of years of experience as a judge *pro tem* of the Maricopa County Superior court and as a former arbitrator for the American Arbitration Association. As President of the State Bar of Arizona, Chas re-established the Arizona College of Trial Advocacy, where he annually serves as a faculty member.

In 2013, Chas was elected to membership in The American Law Institute, the leading, independent organization in the United States producing scholarly work to clarify, modernize and otherwise improve the law. In recognition of his many contributions to the law and justice in Arizona, Chas was inducted into the Maricopa County Bar Association Hall of Fame in 2015.

Chas is AV® Preeminent™ rated by Martindale-Hubbell®, representing the highest rating in legal ability and ethical standards.

PROFESSIONAL ASSOCIATIONS

- American Academy of Appellate Lawyers (Fellow)
- American Bar Association
 - House of Delegates (2010-present)
 - Member, Council of Appellate Lawyers (2001-present)
 - Member, Forum on Franchising (1984-present)
- American Law Institute (Elected Member)

PRACTICE AREAS

- **Alternative Dispute Resolution**
- **Litigation**

AREAS OF FOCUS

- Appellate Practice
- Commercial Litigation
- Franchise Litigation
- Real Estate Litigation

EDUCATION

- University of Arizona College of Law (J.D. 1975)
- University of Arizona (B.S. Business Administration, with distinction, *Beta Gamma Sigma*, 1972)

ADMISSIONS

- Arizona (1975)
- United States Supreme Court (1980)
- United States Court of Appeals, Ninth, Tenth, and Federal Circuits

- Arizona Court of Appeals (judge pro tem, 1984-85, 1992-94, 1998-99)
- Maricopa County Superior Court (judge pro tem, 1986-present)
- American Arbitration Association (Panel of Arbitrators, 1986-2005)
- State Bar of Arizona
 - President (2004-2005)
 - Board of Governors (1995-2006)
 - Appellate Practice Section (Executive Council 1995-1996)
 - Trial Practice Section (Chair 2001-2002)
 - Civil Practice and Procedure Committee (1977-2003, 2006-present, Chair 2006-2007)
 - Client Protection Fund Board of Trustees (Chair 2012-2018)
 - Discipline Oversight Committee (Chair 2002-2004)
- Maricopa County Bar Association (President, 1989-1990)
- East Valley Bar Association (President, 1979-1980)
- Lorna Lockwood Inn of Court (Co-President 2011-2012)
- University of Arizona Law College Association Board of Directors (2008-2020, 2021-present)

REPRESENTATIVE MATTERS

- *Howell v. Howell*, 361 Ariz. 936 (2015), 137 S.Ct. 1400 (2017)
- *Lazar v. Kroncke*, 862 F. 3d 1186 (9th Cir. 2017), *cert. denied*, 138 S.Ct. 2647 (2018)
- *Cassinelli v. Cassinelli*, 138 S.Ct. 69 (2017), *cert. denied*
- *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010)
- *Dodge v. Graville*, 533 U.S. 945 (2001)
- *Smith Plumbing Co., Inc. v. Aetna Cas. & Sur. Co.*, 149 Ariz. 524, *cert. denied*, 479 U.S. 987 (1986)
- *Kalway v. Calabria Ranch HOA, LLC*, ___ Ariz. ___ (2022)
- *Ray and Lindsay-11, LLC v. Town of Gilbert*, 499 P.3d 335 (App. 2021)
- *In re Restated Trust of Crystal H. West*, 249 Ariz. 355 (App. 2020)
- *Price v. City of Mesa*, 236 Ariz. 267 (App. 2014)
- *Weitz Co., LLC v. Heth*, 235 Ariz. 405 (2014)
- *In re Estate of Gardner*, 230 Ariz. 329 (App. 2012)
- *Sourcecorp, Inc. v. Norcutt*, 229 Ariz. 270 (2012)
- *In re Estate of Olson*, 223 Ariz. 441 (App. 2010)
- *In re Hamm*, 211 Ariz. 458 (2005)
- *Pleak v. Entrada Prop. Owners' Ass'n*, 207 Ariz. 418 (2004)
- *Maricopa County v. Barfield*, 206 Ariz. 109 (App. 2003)
- *Mealey v. Arndt*, 206 Ariz. 218 (App. 2003)
- *White Mountain Apache Tribe v. Smith Plumbing Co., Inc.*, 856 F.2d 1301 (9th Cir. 1988)
- *Henderson v. Duncan*, 779 F.2d 1421, 3 Fed.R.Serv.3d 1547 (9th Cir. 1986)
- *Campbell v. Westdahl*, 148 Ariz. 432 (App. 1985)
- *Birds Int'l Corp. v. Arizona Maint. Co., Inc.*, 135 Ariz. 545 (App. 1983)
- *Harris v. Arizona Bd. of Regents*, 528 F. Supp. 987 (1981)
- *Nelson v. Cannon*, 126 Ariz. 381 (App. 1980)
- *Matter of Chase's Estate*, 125 Ariz. 270 (App. 1980)

PRESENTATIONS & PUBLICATIONS

- "Oral Argument," *Arizona Appellate Handbook 2.0*, Chap. Ten, State Bar of Arizona ("2020)
- "Giving Back: Senior Lawyers and Pro Bono," *Arizona Attorney* (November 2019)
- "Honorable Advocacy: New Paradigm or Mere Wish?," *Arizona Attorney* (May 2005)
- "Creating Skilled Trial Advocates," *Arizona Attorney* (May 2002)
- "Values Worth Protecting - Facing a New Millennium," *Arizona Attorney* (October 2001)
- "Contract Disclaimer Does Not Bar FTC Monetary Award," *The Franchise Lawyer* (Fall 1999)

PROFESSIONAL RECOGNITION

- American Academy of Appellate Lawyers (Fellow)
- Litigation Counsel of America (Senior Fellow)
- *The Best Lawyers in America*®, Appellate Law and Franchising Law (2003-2022)
 - Lawyer of the Year Phoenix, Franchise Law (2016, 2018, and 2021)

- *Chambers USA* "America's Leading Lawyers" for Litigation: Appellate (2021-2022)
- *Southwest Super Lawyers*®, Appellate (2007-2022)
- State Bar of Arizona President's Award (2019)
- Maricopa County Bar Association Member of the Year (2019)
- Top 100 Lawyers in Arizona, *AZ Business* (2015, 2018, 2021)
- Maricopa County Bar Association Hall of Fame (2015)
- American Law Institute (2013)
- Top Rated Lawyers in Commercial Litigation (2013)
- Top Attorneys in Arizona (2006)
- Community Legal Services pro bono award (1997)
- Lawyers Who Make a Difference, State Bar of Arizona (1995)
- AV® Preeminent™ rated by Martindale-Hubbell®

COMMUNITY INVOLVEMENT

- Mesa Judicial Advisory Board (2018-2021)
- Mesa Rotary Club (President; recipient 2018 Service Above Self Award)
- Mesa United Way (campaign co-chair 2010-2011)
- Maricopa County Citizen's Jail Oversight Committee (1999-2007)
- Commission on Salaries for Elective State Officers (1995-1996)
- Arizona Town Hall (delegate)

LEGAL UPDATES & FIRM NEWS

APR 11, 2022 - GENERAL

Southwest Super Lawyers Recognizes Seven Gust Rosenfeld Attorneys In 2022 Rankings

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AUG 19, 2021 - GENERAL

Best Lawyers In America© 2022 Names Five Gust Lawyers "Lawyer Of The Year"; Five As "Ones To Watch"; And 38 As Leaders In Their Field

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