



THOMAS L. HUDSON

602-640-9301
thudson@omlaw.com

OVERVIEW

Thom Hudson has cultivated a substantial career as an ally and advocate for trial attorneys, representing both plaintiffs and defendants. Trial lawyers often turn to him after winning or losing a large case, seeking his appellate expertise to charge forward. Thom leans into his Ph.D. in Philosophy, a foundational element of his practice. His critical thinking and argument strategies have been instrumental in developing successful appeals and enabled him to see connections in the law that lawyers without his background sometimes miss. Several of his cases have shaped the rules that govern appellate law itself.

Early in his career, Thom was mentored by appellate judges and several lawyers who later became appellate judges. Over the last 20+ years, he has developed expertise in constitutional issues, contract issues, torts, insurance, and more. Thom now focuses exclusively on counseling trial attorneys and in-house corporate clients on appellate-related issues and strategy.

Thom has proven himself as a skilled writer and orator. He has written numerous articles on appellate issues for a variety of publications, including the Arizona Attorney and the Journal of Appellate Practice, and co-authored the monthly column "Appellate Highlights" for over a decade. He is a fellow in the American Academy of Appellate Lawyers, a past chair of the State Bar Appellate Practice Section, served as a Ninth Circuit Appellate Lawyer Representative, and was named the Phoenix Appellate Practice "Lawyer of the Year" by *Best Lawyers*® in 2015.

REPRESENTATIVE MATTERS

- [*Saban Rent-a-Car LLC v. Arizona Dep't of Revenue*, 246 Ariz. 89 \(2019\)](#)
(dormant commerce clause and state constitutional issues)
[Supplemental Brief](#)
[Oral Argument](#)
- [*Saban Rent-A-Car LLC v. Ariz. Dep't of Revenue*, 244 Ariz. 293 \(App. 2018\)](#)
(dormant commerce clause and state constitutional issues)
- [*Arizona State Univ. v. Arizona State Retirement Sys.*, 242 Ariz. 387 \(App. 2017\)](#)
(prejudgment interest)
[Opening Brief](#)
- [*Hamblen v. Hatch*, 242 Ariz. 483 \(2017\)](#)
(arbitration/separability doctrine)
[Brief](#)
- [*Markham Contracting v. FDIC*, 240 Ariz. 360 \(App. 2016\)](#)
(equitable subrogation)
[Opening Brief](#)
- [*Arizona State Univ. v. Arizona State Retirement Sys.*, 237 Ariz. 246 \(App. 2015\)](#)
(administrative law challenge regarding lack of agency rulemaking)

PRACTICE AREAS

- Appeals

EDUCATION

- **University of Arizona James E. Rogers College of Law**
 - J.D., *summa cum laude*, 1992
 - *Arizona Law Review*, Articles Editor, 1991-1992
 - Second Year Writer, 1990-1991
 - Order of the Coif
- **University of Arizona**
 - Ph.D. in Philosophy, 1994
 - M.A., Philosophy, 1993
- **Arizona State University**
 - B.A. in Philosophy, 1988

CLERKSHIPS

- U.S. Court of Appeals, Ninth Circuit, Judge William C. Canby, Jr., 1994-1995

BAR ADMISSIONS

- Arizona, 1992
- U.S. Supreme Court, 2003
- U.S. Court of Appeals, Tenth Circuit, 2014
- U.S. Court of Appeals, Fourth Circuit, 2006
- U.S. Court of Appeals, Ninth Circuit, 1995
- U.S. District Court, District of Arizona, 1995
- Arizona Supreme Court, 1992

[Opening Brief](#)
[Oral Argument](#)

- [Fields v. The Elected Officials' Retirement Plan, et al., 234 Ariz. 214, 320 P.3d 1160 \(2014\).](#)
(Arizona constitution/public retirement benefits)
[Oral Argument](#)
[Answering Brief](#)
[Response to Amicus Briefs](#)
- [Kobach v. U.S. Election Assistance Commission, 772 F.3d 1183 \(10th Cir. 2014\).](#)
(holding that Federal Elections Assistance Commission was not mandated to grant Arizona's and other state requests to modify voter registration form)
- [James C. Sell v. Hon. Gama/Russell Sewell et al., 231 Ariz. 323, 295 P.3d 421 \(2013\).](#)
(securities fraud)
[Supplemental Brief](#)
[Response to Amicus Briefs](#)
[Oral Argument](#)
- [Lagstein v. Certain Underwriters at Lloyd's, 725 F.3d 1050 \(9th Cir. 2013\).](#)
(interest and fees on arbitration award)
[Opening Brief](#)
- [City Of Peoria v. Brink's Home Sec. Inc. \(Ariz. 2011\).](#)
(telecommunications/tax) (amicus)
- [Fagerlie v. Markham Contracting, 227 Ariz. 367, 258 P.3d 185 \(Ariz. App. 2011\).](#)
(contractor lien rights; reversing summary judgment)
- [Lagstein v. Lloyd's, 607 F.3d 634 \(9th Cir. 2010\).](#)
(Federal Arbitration Act)
- [Salt River Sand and Rock v. Dunevant, 222 Ariz. 102, 213 P.3d 251 \(Ariz. App. 2009\).](#)
(standards for reduced supersedeas bond)
- [Chalpin v. Snyder, 207 P.3d 666, 220 Ariz. 413 \(Ariz. App. 2008\).](#)
(malicious prosecution/attorney liability)
- [Northeast Phoenix Holdings, LLC v. Winkelman, 219 Ariz. 82, 193 P.3d 776 \(App. 2008\).](#)
(state land trust/auction)
- [Payan v. Aramark Mgmt. Serv., 495 F.3d 1119 \(9th Cir. 2007\).](#)
(mailing presumption under federal statute)
- [White v. Sun Life Assurance Co., 488 F.3d 240 \(4th Cir. 2007\).](#)
(ERISA/statute of limitations)
- [Fearnow v. Ridenour, Swenson, Cleere, 138 P.3d 723, 213 Ariz. 24 \(Ariz. 2006\).](#)
(ethical rules/law firm agreements)
- [Johnson v. Earnhardt's Gilbert Dodge, Inc., 212 Ariz. 381, 132 P.3d 825 \(2006\)](#)
(statutory construction/Magnusson-Moss Act)
- [Martinez v. Green, 212 Ariz. 320, 131 P.3d 492 \(App. 2006\).](#)
(assignability of statutory claims)
- [O'Donnell v. Vencor Inc., 466 F.3d 1104 \(9th Cir. 2006\).](#)
(employment)
- [PHELPS v. Firebird Raceway, Inc., 212 Ariz. 146, 118 P.3d 1110 \(2005\).](#)
(Arizona constitution) (amicus)
- [American Greyhound Racing v. State of Arizona, 305 F.3d 1015 \(9th Cir. 2002\)](#) (Indian gaming/indispensable parties)
- [Botma v. Huser, 202 Ariz. 14, 39 P.3d 538 \(App. 2002\).](#)
(attorney liability)
- [Sherman v. City of Tempe, 202 Ariz. 339, 45 P.3d 336 \(2002\).](#)
(election law)
- [AlliedSignal, Inc., v. City of Phoenix, 182 F.3d 692 \(9th Cir. 1999\).](#)
(commercial tort)
- [Paloma Inv. Ltd. Partnership v. Jenkins, 978 P.2d 110 \(Ariz. App. Div. 11998\).](#)
(property)

- [Sears v. Hull, 961 P.2d 1013, 192 Ariz. 65 \(Ariz. 1998\)](#)
(Indian law)
- [Salt River Pima-Maricopa Indian Community v. Hull, 190 Ariz. 97, 945 P.2d 818 \(Ariz. 1997\)](#), (Indian gaming/state compacts)

AWARDS

- Chambers USA, *America's Leading Lawyers for Business*, Litigation: Appellate, 2020-2022
- *Southwest Super Lawyers*, Appellate, 2008-2022
- *Best Lawyers*®, Appellate Law, Bet-the-Company Litigation and Commercial Litigation, 2008-2022
- Arizona State Bar, President's Award, 2017
- Phoenix *Best Lawyers*®, Appellate Practice Lawyer of the Year, 2015
- Arizona State Bar Appellate Practice Section, 2003-Present; Member 1999-Present; Civil Practice and Procedural Committee, 1999-2015 Please delete the text in red font.

ACTIVITIES

PROFESSIONAL ACTIVITIES

- American Academy of Appellate Lawyers, Fellow, 2010-Present
- Arizona State Bar Appellate Practice Section, Chair, 2006; Member 1999-Present; Civil Practice and Procedural Committee, 1999-2015
- Arizona Appellate Handbook Committee, Member, 2005-2020
- Appellate Lawyer Representative, United States Court of Appeals for the Ninth Circuit, 2013-2017
- Horace Rumpole Inn of Court: President, 2002-2003; Executive Committee, 1996-2005; Member, 1995-2005

COMMUNITY ACTIVITIES

- SunSounds Volunteer Radio Broadcast Reader, 1990-2002
- Arizona State University College of Liberal Arts and Sciences Alumni Board, 1998-1999

INSIGHTS

PUBLICATIONS

- [Structuring Appellate Briefs](#)
The Journal of Appellate Practice and Process Vol. 21, No. 1, Winter 2021
- [Arizona's Appealing New Rules: The Overhaul of the Arizona Rules of Civil Appellate Procedure](#)
Arizona Attorney, January 2015
- [The Arizona Supreme Court Petition for Review: Art, Science and More](#)
Arizona Attorney, November 2012
- [Video: Osborn Maledon's Thomas Hudson on Supreme Court Health Care Ruling](#)
ABC 15 News, June 2012
- [Four Easy Ways to Lose Your Ninth Circuit Appeal During Trial](#)
Arizona Attorney, December 2011
- [Considering Your Alternatives: Obtaining a Stay Pending Appeal with Alternative Security](#)
The Appellate Advocate, No. 2 at 9, September 2010
- [Citing Unpublished Decisions in Federal Court: A New Beginning](#)
The Committee on Pretrial Practice & Discovery, Fall 2006

- [Proposed: Make Memoranda Decisions Available Online and Allow Them to be Cited as Persuasive Authority](#)
Arizona Attorney, June 2006
- [The "Secret" History of Memoranda Decisions](#)
Arizona Attorney, June 2006
- [Common Traps in Making the Record for Appeal, Co-Author](#)
14 The Committee on Pretrial Practice & Discovery 1, 22, Summer 2006
- [Preserving the Record On Appeal](#)
Arizona Attorney, March 2004
- *How Not to Lose Your Appeal at Trial*, Federal Bar Association, November 2010
- *Arizona Appellate Highlights*, Arizona Attorney (2006–2017)
- *Punitive Damages at the Tenth Anniversary of BMW v. Gore*, PLI Institute (August 2006)
- *Arizona's Supreme Court Legacy: Chief Justice Rehnquist and Justice O'Connor*, State Bar Convention (June 2006)
- *Working with the Arizona Court of Appeals*, State Bar of Arizona, Faculty (2004), Chair (2006–2014)
- *Annual Arizona Supreme Court Review*, Co-Chair (2006), Chair (2007–2015)
- *Current Issues in Appellate Courts*, Arizona Judicial Conference (June 2005)
- *Sex and the Constitution*, State Bar Convention (June 2005)
- *Nuts and Bolts Trial Courtroom Series* (March 2005)
- *An Overview of Some Procedural and Substantive Punitive Damages Issues Post State Farm v. Campbell*, State Bar of Arizona, Appellate Practice Section (February 2004)