



## Michael J. Rusing

EQUITY PARTNER

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### **Mick Rusing heads up the firm's litigation section, covering virtually every area of civil litigation.**

A Fellow of both the International Academy of Trial Lawyers and the American College of Trial Lawyers, Mick has practiced law for 42 years. He has tried well over 100 cases in federal and state courts in such areas as breach of fiduciary duty, contract, intellectual property, ERISA, employment, environmental, insurance bad faith, insurance coverage, legal malpractice, medical malpractice, patent infringement, products liability, securities, trusts and estates, will contests, and wrongful death. He has argued cases before the Arizona Court of Appeals, the Arizona Supreme Court, the Nevada Supreme Court, the Bankruptcy Appellate Panels, the Federal Circuit Court of Appeals, and the Ninth Circuit Court of Appeals.

Mick maintains a significant part of his litigation practice in the injury area, including products liability and malpractice, but in recent years his focus has also been on significant business litigation involving the prosecution and defense of fraud actions, partnership disputes or other business entity litigation among principals, and matters involving real estate or construction.

Chambers USA Survey of America's Leading Business Lawyers recognized Mick as a top Arizona litigator. According to the survey, "Rusing is no stranger to multi-million dollar disputes..." and peers acknowledge him as "one of the finest: he has all the right attributes you want in a lawyer." Mick has been listed by The Best Lawyers in America® in eight litigation categories: Commercial, Banking/Finance, Labor and Employment, Real Estate, Regulatory Enforcement, Mass Tort/Class Actions, Personal Injury-Plaintiffs and Personal Injury-Defendants.

#### **Professional Affiliations & Bar Activities**

- Grand Canyon Conservancy, Board Member, 2023
- Fellow, International Academy of Trial Lawyers
- Fellow, American College of Trial Lawyers; Chair, State Committee 2011-2013
- Commission on Appellate Court Appointments, 2009-2017
- American Board of Trial Advocates
- Ninth Circuit Lawyers' Advisory Board, 2004-2006
- Ninth Circuit Judicial Conference Executive Committee, 2003-2004
- Lawyer Representative to the Ninth Circuit Judicial Conference, 2000-2003
- American Bar Association: House of Delegates, 1999-2003

#### **EDUCATION**

- Stanford Law School, J.D., 1980
- University of San Francisco, B.A., magna cum laude, 1977

#### **CONCENTRATION**

- Complex Commercial Litigation
- Banking and Finance Litigation
- Intellectual Property Litigation
- Asbestosis and Mesothelioma Litigation

#### **PRACTICES**

- Business Litigation
- Class Actions
- Toxic Torts
- Product Liability Defense
- Personal Injury
- Real Estate & Construction Litigation
- Defense of Claims, Administrative Proceedings & Lawsuits
- Patent, Trademark, Copyright & Trade Secret Litigation & Prosecution
- Gaming & Native American Law

- Pima County Superior Court: Judge Pro Tempore, 1991-2010; 2019-2020; 2022-2023
- Pima County Commission on Trial Court Appointments, 1994-1998
- Pima County Bar Association: Chairman, Rules Committee, 1991-2001
- State Bar of Arizona: Executive Committee, Trial Practice Section, 1995-2000; Disciplinary Committee, 1989-1997
- Tucson Federal Bar Association: Charter Member/Steering Committee Member, 1995-present; President, 1999-2000
- Tucson Defense Bar Association: President, 1989-1990

## **Representative Matters**

- Successful defense of the University of Arizona in the Mt. Graham telescope litigation brought by the Apache Survival Coalition.
- \$2.4 million plaintiffs' verdict in a class action of Yuma citrus growers brought against a packing plant.
- \$1 million judgment against Orkin for fraud in connection with termite treatment.
- Successful defense of Tucson Mayor Lewis Murphy in an Open Meeting Law Prosecution.
- Lead counsel in a \$28 million class settlement against Stratosphere Corp. and related entities.
- Fee award as sanctions against Southwest Center for Biological Diversity in a lawsuit under the Endangered Species Act.
- Lead counsel in \$5.5 million dollar class action settlement against Citizen's Utilities for substandard electrical service provided to residents of Santa Cruz County.
- \$10 million bad faith judgment against Westport Insurance.
- Successful defense of multiple beryllium toxic tort cases.
- Represented Tohono O'odham Nation in successful defense of case brought by State and Maricopa County Tribes to prevent the Nation from opening a casino in Glendale, Arizona.
- \$6.6 million judgment in favor of minority owner in an arbitrated partnership dispute.
- Successful defense of a major child car seat manufacturer in a products liability case involving catastrophic permanent injuries.
- Successful defense of a major forklift manufacturer in a products liability case involving a traumatic amputation.
- Obtained \$3.1 million judgment for a national bank while defeating a bad faith counterclaim in a three week trial.

## **Honors & Awards**

- Fellow, International Academy of Trial Lawyers
- Fellow, American College of Trial Lawyers
- *The Best Lawyers in America*® (Commercial Litigation, Personal Injury Litigation, Banking & Finance Litigation, Mass Tort Litigation, Real Estate Litigation, Labor and Employment Litigation, and Regulatory Enforcement Litigation)
- *The Best Lawyers in America*® (2022 Edition) "Lawyer of the Year" Tucson, Arizona (Litigation - Banking and Finance)
- Chambers USA, America's Leading Lawyers for Business Litigation
- Southwest Super Lawyers, Litigation, One of Top 50 Lawyers in Arizona in Inaugural Edition
- Southwest Super Lawyers, Litigation, 2007 - 2024

- Benchmark America's Leading Litigation Firms and Attorney, One of Seven "Litigation Stars" in Arizona
- 2010 Father of the Year, presented by Fathers Day Council
- 2007 Environmentalist of the Year, Arizona Game and Fish Commission

## **Civic Activities**

- Tucson Advisory Board for Steele Children's Research Center, 2015-present
- Arizona Aerospace Foundation (Pima Air & Space Museum) Board Trustee, 2009-present
- Tucson Conquistadors, Member, 2000-present
- Tucson Country Club, Member
- Tucson Yacht Club, Life Member
- Robert Burns Literary Society, Founding Member
- Tucson Fiesta Bowl Committee, Life Member
- National Rifle Association, Life Member
- Arizona Antelope Foundation, Charter & Life Member
- Desert Bighorn Sheep Society, Life Member
- Safari Club International, Life Member
- Juvenile Diabetes Research Foundation, Tucson Chapter, Board Member, 2005-2015; President 2009-2011
- Wildlife for Tomorrow, Board Member, 1999-2003
- Tucson Metropolitan YMCA, Board Member, 1995-2001
- Pima Community College Bond Program Citizens Oversight Committee, Member, 1995-2000
- Stanford Club of Southern Arizona, Member; President, 1984-1986
- Downtown Lohse YMCA, Board Member, 1991-1995
- Southern Arizona March of Dimes 1983 - 1988
- Leadership Tucson, Graduate, 1986