

ROBERT H. MCKIRGAN

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Bob is one of the premier trial lawyers in Arizona. During his thirty-four-year career, he has litigated and tried a number of bet-the-company cases and his experience ranges from commercial, intellectual property, bankruptcy and sports related matters. Prior to joining PSW, Bob was the Practice Group Leader of Lewis Roca's litigation group, overseeing over 100 lawyers in multiple offices across the Southwest.

He has been listed for several years in the major ranking publications, including Chambers, Benchmark Litigation, Best Lawyers in America and Southwest Super Lawyers. Chambers describes Bob as "a fantastic trial lawyer. He is incisive, strategic and has a great demeanor in the courtroom," and quotes a client "I go to him for high stakes matters and complex litigations." Best Lawyers in America lists Bob in the categories of Bankruptcy and Creditor Debtor Rights/ Insolvency and Reorganization Law, Bet-the-Company, Commercial, Bankruptcy, Intellectual Property and Real Estate Litigation and has named him "Lawyer of the Year" for Intellectual Property Litigation as well as Bankruptcy Litigation. Bob is also a Senior Fellow in the Litigation Counsel of America, an invitation-only trial lawyer honor society.

Prior to law school, Bob was a certified public accountant for two years with one of the Big Four accounting firms. His background gives him the superior ability to understand clients' businesses, financial statements, damages and other commercial issues.

Bob has handled numerous cases across the country and has tried several matters to verdict in jury trials, bench trials and arbitrations. Some of Bob's cases include:

- Lead trial counsel in a three-week trial in U.S. District Court (Nevada), obtaining an nationally publicized jury verdict that the writers, director and producers of the Broadway musical, Jersey Boys, infringed the copyright of an unpublished biography of one of the Four Seasons band.
- Lead trial counsel for a two-week trial in Illinois State Court (Cook County) arising out of a credit card data security breach, obtaining a directed verdict on an \$80 million consumer fraud claim.
- Lead trial counsel in two multi-week jury trials in U.S. District Court (Arizona) involving computer software and source code, obtaining a jury verdict in excess of \$5 million on copyright and fraud claims.



- Lead counsel for a bankruptcy trustee in an investigation of the demise of a publicly traded company, leading to several claims recovering hundreds of millions of dollars for the bankruptcy estate.
- Special litigation counsel for a non-profit chapter 11 bankruptcy debtor of a \$300 million sports complex resulting in the successful sale of the property allowing the complex to remain open.
- Represented the majority owner of a professional sports franchise in the successful defense of a breach of fiduciary duty claims brought by minority owners.
- Represented an Olympic athlete in successfully obtaining an injunction allowing her to compete in the Olympic trials after being suspended from competition for alleged steroid use.
- Represented a Chinese company in a trademark infringement case, resulting in a quick and favorable settlement after successfully defeating a preliminary injunction during an evidentiary hearing.
- Representation of a large University in two NCAA investigations of its football and baseball programs.
- Numerous matters representing law firms in legal malpractice and malicious prosecution actions.
- Several matters serving as an expert witness on standard of care issues in the defense of legal malpractice claims.
- Prosecution of fraudulent transfer actions, including recovering millions in cash and assets from an off-shore trust and Swiss bank account.
- Serves as mediator in commercial litigation matters.

Being the recipient of excellent mentoring as a young lawyer, Bob has devoted himself to the mentoring and training of young lawyers. He is a faculty member for the National Institute of Trial Advocacy (NITA). He has served as a faculty member of the professionalism course given by the Arizona state bar. He has been an Adjunct Law Professor at the Arizona State University Law School and has presented at several continuing legal education seminars.

For a number of years, Bob has served as a judge pro tempore for the Maricopa County Superior Court and, in that capacity, has mediated dozens of cases. His pro bono work has ranged from representing families in wrongful eviction and foreclosures to death row inmates.

Bob spends his spare time with his son, Nick, partner Hodessi, and daughter, Shemiah, in the Rim Country, where he plays a lot of golf; and going to Suns, Cardinals and Diamondback games.

RECOGNITIONS AND HONORS

- Bet-the-Company Litigation, 2005-2025. Best Lawyers in America, Scottsdale “Lawyer of the Year” — Bankruptcy Litigation, 2025. Recognized in six areas: Commercial Litigation, Bankruptcy and Creditor Debtor Rights/ Insolvency and Reorganization Law, Intellectual Property Litigation, Bankruptcy Litigation, Real Estate Litigation,
- Southwest Super Lawyers, Top 50 Lawyers, 2024-2025, Business Litigation, identified as a “Super Lawyer’ in 2007-2025
- Benchmark Litigation, “Litigation Star” for Bankruptcy Litigation, Commercial Litigation, and Professional Liability Litigation, 2024-2025, “Local Litigation Star’. 2014- 2023

- AZ Big Medias Top 100 Lawyers in Arizona, 2025
- Phoenix Magazines Top Lawyers in Commercial Litigation, 2024
- Business Today, Top 10 Most Influential Commercial Litigation Lawyers in Arizona, 2023
- Chambers USA, Top Arizona Commercial Litigation Attorneys
- Litigation Counsel of America, Fellow

PUBLICATIONS AND PRESENTATIONS

- Standing on the Shoulders of Giants, Greater Phoenix Attorney at Law Magazine
- Tips for a Successful Deposition, The National Law Journal
- Offensive Use of Motions in Limine, Trial Evidence
- Strong-Arm on Steroids — Applying or Injecting 'Rights and Powers' Under 11 U.S.C. § 544(a), Norton Bankruptcy Law Adviser
- Co-Presented at the 2024 Arizona Bar Convention - Rearranging Deck Chairs on the Titanic: How mechanic's Lien Claimants, a Construction Lender, a Landlord, a Debtor, and a Bankruptcy Court solved a \$300 million problem with a \$19 million solution while saving Legacy Park

