



Denise J. Wachholz

Shareholder

Phoenix

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Practice Areas

Construction Litigation (Firm Practice Group Chair)
Professional Liability Litigation
Appeals

Overview

Denise Wachholz has been a trial attorney in Arizona for more than 29 years and is sought after for her skills representing clients in the areas of construction, environmental and professional liability litigation. Having spent much of her career working in the construction/engineering industry, Denise is able to apply years of experience to her client's matters to thoroughly – and cost-effectively – craft successful strategies to win, or avoid litigation.

In addition to her construction clients, Denise has a long track record of successfully representing architects, engineers (including civil, geotechnical, structural, mechanical and HVAC-design engineers), general contractors, subcontractors (including building, soils and landscaping trades), developers, accountants and mortgage/title companies. Denise has handled cases including public projects such as a football stadium, convention center and municipal airport, as well as a 1400-home subdivision in north Scottsdale, and commercial, industrial, multi-family, luxury residential, and infrastructure projects.

When working with her clients, Denise's primary objective is to terminate the client's participation in the lawsuit as quickly and inexpensively as possible. Where an early exit strategy is not available, she strives to minimize damages to which the client has exposure (by motion, expert opinion, or development of the facts for trial) and to position the client for a swift, favorable resolution. She understands the specific challenges posed to clients in the construction industry, and is relied upon for business-oriented legal guidance.

Publications and Presentations

“Arizona Supreme Court Refocuses the Economic Loss Rule for Construction Cases,” August 2013

“The Successful Defense of Design Professionals,” September 2011

Co-Author, “ALFA International 50 State Compendium of Construction Law Issues,” 2011

Regional Editor, “ALFA International 50 State Compendium of Construction Law Issues,” 2007, 2009, 2011

Author, “An Irreverent Look at Highway Proximity Damage Decisions,” Southwestern Legal Foundation Annual Institute on Planning, Zoning and Eminent Domain, 1993

Co-Author, “When Eminent Domain ‘Working Rules’ Don’t Work,” Appraisal Journal, 1991

Course Materials for Presentations Listed Below

“‘If You Build It, They Will Come’: Defect Claims – Emerging Trends and Strategies for Success,” Co-Moderator, Faculty and Steering Committee Member, ALFA International Construction Practice Group, July 2014

“Smartwater: Emerging Technologies and Trends in Water Treatment, Provisioning and Infrastructure,” ALFA Construction Law Practice Group Seminar (Steering Committee, Faculty Member, and Moderator), July 2012

“The Successful Defense of Design Professionals,” Defense Research Institute Construction Law Seminar, September 2011

“Designing the Successful Defense for Claims Against Architects and Engineers: The Economic Loss Rule,” ALFA International Construction Conference (Steering Committee, Faculty Member, and Panelist), San Francisco, July 2010

“Design Alliance Revisited,” Maricopa County Bar Association, June 2010

“The Economic Loss Doctrine after Flagstaff Affordable Housing: Its Impact on Owners, Designers and Builders” (panelist), Construction Law Section, State Bar of Arizona, April 2010

“Recent Decisions Involving the Economic Loss Rule and Design Professionals,” Construction Section, Maricopa County Bar Association, November 2009

“Common Law and Statutory Indemnity,” ALFA International Construction Practice Group Seminar (Steering Committee, Faculty Member and Panelist), July 2008

“Architect/Engineer Liability,” Lorman Seminars, January 2008

“Common Law Indemnity in Construction Defect Litigation,” Arizona Association of Defense Counsel, September 2007

Course book materials available on request.

Bar Admissions

- Arizona, 1987
- U.S. District Court, District of Arizona, 1988
- U.S. Court of Appeals, Ninth Circuit, 2012

Professional Associations and Memberships

- State Bar of Arizona
- Defense Research Institute
- ALFA International: Steering Committee Member, Construction Law Practice Group, 2006-present