



Dennis Wilenchik

By Rebecca Larsen

Veteran Phoenix trial attorney Dennis Wilenchik has his own radio talk show now. His idea for the program grew out of his frustration with the commercial news media and its tendency to present quick-hit, surface stories on major issues and its limit on in-depth discussions. He wants to help ensure that at least big issues with legal ramifications get a more detailed review.

Wilenchik's one-hour radio program, "Legal-ease," started in March and runs in a prime time slot beginning at the early rush hour, Wednesdays at 4 p.m. on KFNX 1100 News-Talk Radio, leading into the Lou Dobbs Show. Already, Wilenchik has taken on the free speech case involving Westboro Baptist's picketing at military funerals, the Arizona sweat lodge trial, SB 1070 and its effect on business, and the Goldwater Institute suit over the wearing of Tea Party T-shirts at polling places.

"I think radio is still a viable medium where people will listen to a program for a longer period of time; many times probably because they're trapped in their cars on the highway," Wilenchik says. "I'm hoping to open up some dialogue where people can think. I don't strive to be an irritant or the focus of the discussion like some hosts do to get attention, or to cater to any extreme political viewpoint."

Being conciliatory may be somewhat ironic and out of character to Wilenchik's reputation as an aggressive trial lawyer for 33 years, but having clearly made a name for his law firm, Wilenchik & Bartness, by forcefully pursuing and winning tough cases, he secretly yearns for a different approach to resolving problems. The lawyer, who has enjoyed Martindale Hubbell's AV ranking for many years now, says he understands why people find the legal system expensive, frustrating, and like Chinese food, leaving them feeling empty even after their experience with the legal system ends.



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“We must find a better way than this constant fighting and legal wrangling that is our ‘adversarial’ process to solve our differences,” Wilenchik says, “and it seems to me, having been in the trenches for a long time, that opening up lines of communication has to be the way.”

One recent significant example of Wilenchik’s courtroom expertise came last year against First American Title Co. He represented developers who sued the title insurance company for breach of contract and bad faith, and sought punitive damages. The title insurance company had refused to pay for not informing John Vatistas, co-owner of Russ Lyon Sotheby’s, and other investors, that a commercial property bought in the Troon area had deed and covenant restrictions that could make developing the land more difficult.

Victories in such cases in front of juries are rare for bad faith handling of such claims. But this jury awarded the plaintiffs \$1.6 million, including punitive damages and for bad faith.

As Vatistas says, “If I were in a foxhole, the only person I would call is Dennis Wilenchik. He’s done a tremendous job for me and my companies.” What Vatistas, who has used many lawyers in the past, particularly admires about Wilenchik is “that when we sit down to debate and I present what I think about a case, he always takes the opposing view. I say, ‘I think this,’ and he tries to knock down everything I have to say. But once we reach agreement about what the matter is all about, he’s an incredibly strong advocate. I’d hate to be going up against him in court.”

Over the years though, Wilenchik has come to understand more fully that both sides in a dispute can have very strong cases and that the truth sometimes falls in a third area. You can see

some of that in what Ann Scott Timmer, now Chief Judge of the Arizona Court of Appeals, Division One, says about what it was like to work for Wilenchik.

“He was my first boss at Storey and Ross. I was 24 or 25 and he was 30. He wasn’t much older, but he really knew his stuff, and he was great at helping new attorneys,” she says. “Clients just love him. He’ll do 110 percent on the smallest case to the largest. He can seem gruff at times, but he’s very kindhearted. Sometimes he hired people that other people wouldn’t touch. Maybe they had stumbled in some way. But he was willing to give them another chance.”

“As I get older, I’ve learned that you have to also be more understanding like a mediator, devil’s advocate and a counselor,” Wilenchik says. “You don’t always launch a lawsuit when you could resolve a case for your clients some other way. And, like most war-weary generals, I have come to appreciate the beauty of peace, as well as my opponents’ positions, and to respect them, and I now try to understand where they are coming from, and to not personalize the cases as I did when I was younger.”

So, the litigator, who some have characterized as a “Bulldog” for his tenacious persistence, says he has had an epiphany that positive change is possible, and that if one keeps an open heart and mind anything can happen. “Helping others” is the goal -- all else flows from that.

Originally from the New York City area, Wilenchik studied speech and theater for his bachelor’s degree at Brooklyn College, part of the City University of New York, where he graduated magna cum laude. “I thought about going into TV or radio announcing back then,” he says. “When I was lucky enough to get a job working as a page as a kid at the main CBS-TV studios in Manhattan after school, I got the bug, and it’s hard to lose it. But, it’s a tough business. The law is much safer and easier.”

After graduation from law school, he returned to Arizona to work as a bailiff for the presiding criminal judge of Maricopa County after an externship with the Supreme Court, while waiting to pass the bar. Once he could practice law, his first job was a deputy in the county attorney’s office, but after 13 jury trials he vowed to go into private practice in Phoenix. He became a senior partner and head of litigation at Storey & Ross, a real estate and business firm that experienced phenomenal growth from five attorneys to 55 while he was there. After that, parts of the firm merged, and



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he became a senior partner at Squire, Sanders & Dempsey, a large international firm with a Phoenix branch. But, he didn't like the big firm environment, although he was successful there, and was itching to start his own firm. So, he and his wife, Becky Bartness, founded their own Phoenix firm in 1991.

Bartness had been an associate at Evans, Kitchel and Jenckes, then the oldest and one of the largest firms in Phoenix, after a federal clerkship, and she was then General Counsel of Chase Bank of Arizona. She was also a certified real estate specialist for many years before deciding to write mystery novels instead, and she now practices part time.

Wilenchik & Bartness now has about a dozen attorneys on staff as well as three paralegals. Wilenchik has been a nationally certified civil trial advocate with the National Board of Trial Advocacy since it began, and is a former Chair of the State Bar Trial Practice Section, as well as former secretary of the Civil Rules and Practice Committee and a Civil Judge Pro Tem.

Wilenchik's courtroom artistry is widely admired and has played a major role in his success. He's considered an outstanding litigator and has worked to perfect his skills by watching hundreds of trials over the years, going back to his days as a law student and courtroom bailiff.

Business and tax attorney Gregory Robinson of Farley, Robinson & Larsen in Phoenix often refers complex litigation matters to Wilenchik. "I've always admired Dennis's ability to analyze a case and present it in court," Robinson says. "If a client lives through a situation in business for two or three years that then goes awry and ends up in court, you only have two or three days in which to paint a picture of what happened in all that time to a judge and jury. It takes a good artist to do that, and Dennis is like that. He knows his craft and the courtroom is his home."

Wilenchik & Bartness is known for representing large national and custom home builders, developers, subcontractors, architects, real estate firms and others in actions including construction defects, hearings before government agencies, and multi-party and class action lawsuits. The firm also handles business litigation cases including breach of contract, fraudulent activities, landlord-tenant disputes, brokerage fee and commission and financing disputes.

Over the years, Wilenchik's firm has also represented many government clients, including the State of Arizona, Maricopa County, the Maricopa County Sheriff's Office, and many cities and counties.



These matters have included high-profile cases, such as successfully defending the Maricopa County sheriff in a controversial defamation trial brought by his former political opponent. In addition, Wilenchik and his associates represented 12 of the 15 Arizona counties before the Ninth Circuit Court of Appeals in a special session concerning Proposition 200, which requires registered voters to present proof of identification before casting a ballot. The session was held at the University of Arizona auditorium where the chief judge of the circuit and former Associate Justice Sandra O'Connor were among the three presiding judges. The appeals court upheld the trial court in general but ruled that certain parts of the law were unconstitutional. The case was already reviewed by the U.S. Supreme Court in an interim ruling, and a final decision may eventually reach the U.S. Supreme Court as well.

"I'm proud of all my cases and how I handled them in retrospect," Wilenchik says. "Would I have done things differently in life if given the chance? Maybe so, but I think I finally always do what I think is right. I bring zeal and purpose to my position in being an advocate. Courage, commitment and caring are what it is all about. I have had the pleasure of having judges and the former County Attorney come from our firm, and feel I have mentored many attorneys and emphasized to them the commitment to the law and its honorable traditions. But one reason I want to do this show on the radio now is to bring that same feeling to the public.

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At a Glance

Professional background:

Dennis Wilenchik received his J.D. from the South Texas College of Law. He has practiced law in Maricopa County, Arizona, for more than 33 years. Twenty years ago, he and his wife, Becky Bartness, founded their own firm. He has represented clients in construction defect cases, fraud cases, complex business litigation, criminal disputes and government law disputes. He has acted as a pro-tem civil judge for the Superior Court and has been designated a "Superlawyer" in business litigation. He is AV rated (the highest ranking) and admitted to represent clients in the U.S. Ninth Circuit Court of Appeals and the U.S. District Court for the Northern District of Texas in addition to all state and federal courts in Arizona.

Memberships and recognition:

He has served as president of Maricopa County Bar Association Young Lawyers Division, board member of the Arizona Bar Journal, Chairman of the Civil Trial Practice Section, member of the Superior Court Civil Study Committee of the Maricopa County Superior Court, and Chairman of the County Bar Judicial Evaluation Poll Committee. He is a long standing certified civil trial advocate of The National Board of Trial Advocacy and is a member of the Maricopa County and American Bar Associations. Wilenchik & Bartness is named in Martindale-Hubbell's Bar Register of Preeminent Lawyers.

Personal:

He has been married to attorney Becky Bartness since he was in law school and after she finished ASU Law School, cum laude. Becky, former general counsel of Chase Bank of Arizona, has also represented developers and builders in real estate matters and environmental matters, as well as in banking, commercial and real estate loan transactions, loan restructures, pre-bankruptcy planning, general corporate matters and work-outs. She is the author of four mystery crime novels. Wilenchik and Bartness have a son, Jack, attending Phoenix College of Law and working as a paralegal at their firm, and a daughter, Caitlin, studying journalism at the University of Arizona. The family enjoys outings on a boat moored in Mission Bay in San Diego and own Arabian horses. Residents of Paradise Valley, they previously had a ranch in Cave Creek, where Wilenchik served as chairman of the planning and zoning commission. They also own homes on the beach in La Jolla, Calif.