



## Thomas E. Dvorak

*Partner (Executive Committee Member)*

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(208) 388-1245

Tom knows civil litigation and trial work inside and out, having clerked two years for a federal judge and spent decades working as a litigator to resolve business, real estate, and countless other disputes. Tom enjoys a reputation for practical, dogged, often creative and inspired, yet always professional, client representation.

### Practice Areas

- Administrative and Regulatory Law
- Business, Finance & Banking
- Creditors' Rights and Bankruptcy
- Litigation
- Real Estate and Land Use
- Road and Access Law

### Industries

- Agriculture
- Banking
- Real Estate Development, Construction and Investment
- State and Local Government

Tom's practice has allowed him to work on a wide variety of commercial and civil litigation and other matters, including collection, bankruptcy, employment, insurance defense, real estate development and leasing, personal injury, as well as securities, general business and corporate law.

Tom is rated "AV" by his peers and by local judges through the Martindale Hubbell rating process. Tom is periodically asked to present on real estate related issues to interested groups such as other attorneys, realtors and surveyors and has authored and coauthored articles on Idaho foreclosure law, boundary dispute law and easement law.

Other attorneys in the community, when asked anonymously what they think of Tom, not only gave him high marks, but also say they would hire him if they needed an attorney:

"In my experience with Tom, he is a cunning and aggressive adversary. He is a true example of excellence in this profession." by Attorney

"Tom is an outstanding litigator. He has helped my organization successfully resolve disputes ranging from complex to relatively simple matters. He does this in a practical and cost effective manner and is particularly skilled at communicating with his client. I would not hesitate to recommend Tom." by a Associate/Assistant General Counsel

"Tom Dvorak is a top-notch attorney, and a leader among the area's real estate attorneys. He's diligent, hard-working, and aggressive for his clients in all the right ways, to honor the profession. I give him my highest recommendation." by Government Counsel

"Tom has obviously been on the other side of my clients, but he is professional, courteous and an extremely intelligent and insightful attorney. I usually do not respond to [such] requests, but he deserves a glowing review from me." by a Partner

"Tom is a zealous but professional advocate for his clients. I have litigated against Tom and have found him to be competent and professional to work with." by a Managing Partner

"I have worked across the table with Tom on a few cases and I have seen him in action in others. He is professional, knowledgeable and knows the practice of law very well. I would hire him if I were in need of a civil litigation attorney." by a Partner

"I would have no reservation referring any type of matter to Mr. Dvorak. He is smart, aggressive when that is useful and pragmatic when he should be." by a Managing Partner

Chambers and Partners USA has ranked Tom highly among Idaho commercial litigation lawyers, and based on client interviews stated that Tom:

[2018]: impresses clients with his *"balanced style"* and *"practical mind."* Clients comment that *"he has a great legal mind so is able to come up with strategies others may not consider,"* and add that they have had *"wonderful results on everything he's touched."* He has a broad practice, regularly advising on transactional matters in addition to litigation."

[2019]: *"is incredibly knowledgeable, researches the subject very well and presents it in a clear and concise way. He does an excellent job in understanding our position."*

[2020] *"He is a seasoned business litigator with an impressive ability to process information and interpret its relevance almost immediately."*

[2021] *"Mr. Dvorak's perfectly balanced intuition and legal expertise yield consistent outperformance without wasted effort."*

To pay for college at Boise State University, Tom earned money by serving in the United States Marine Corps Reserve. Tom was called up to active duty while in college and served as a U.S. Marine Sergeant in Operation Desert Storm, participating as a gunner and tank commander of an M1A1 Abrams Main Battle Tank in a tank battle on the outskirts of Kuwait City.

Tom served as Chairperson of the firm's Litigation Practice Group from 2013 to 2018, and is currently the Chairperson of the Technology Committee. In 2016, the partners of Givens Pursley selected Tom as a member of the Management/Executive Committee of Givens Pursley LLP, and he continues to serve in that capacity.

When not working, Tom spends time with his wife and four boys. They enjoy camping, fishing and hiking the wild places of Idaho.

## **Recognition**

- Mountain States Super Lawyers (Business Litigation)
- Chambers USA, America's Leading Lawyers for Business (Litigation: General Commercial)
- Martindale Hubbell peer review rated as AV, Preeminent in Litigation, Real Estate and Commercial Law
- Best Lawyers in America (Commercial Litigation) (2021)

## **Education**

- J.D., University of Idaho 1994, Dean's List 4 semesters
- B.A., English Major, Minor Emphasis in Business, Boise State University, 1991 - cum laude

### Admissions

- Idaho
- U.S. District Court (Idaho)
- U.S. Court of Appeals (9th Circuit)

### Memberships & Affiliations

- Idaho Bar Association, Real Property Section, Litigation Section



### Experience

- Executive Committee Member, Givens Pursley LLP (2016 - Present)
- Partner, Givens Pursley LLP (2002 - Present)
- Associate Attorney, Givens Pursley LLP (1998-2001)
- Associate Attorney, Law Offices of James J. Davis, Boise, Idaho (1996 to 1998)
- Law Clerk to the Honorable Mikel H. Williams, Chief U.S. Magistrate Judge, U.S. District Court, District of Idaho (1994-1996)
- Referee, Unemployment Insurance Appeals Division, Idaho State Industrial Commission (1993-1994)
- Office Runner, Givens, McDevitt, Pursley & Webb, LLP, 1986 to 1989

### Publications

- Co-author, Idaho Foreclosure Law and Related Remedies, in FORECLOSURE LAW AND RELATED REMEDIES: STATE CHAPTER BUNDLE B (American Bar Association 2nd ed., 2009)
- Author, Board Certification and Summary Judgment under the Idaho Medical Malpractice Act, Traps for the Unwary, 29 Idaho L. Rev. 421 (1993)

### Notable Published Decisions:

- Wakelam v. Hagood, 151 Idaho 688, 263 P.3d 742 (2011)(succeeded in reversing District Court decision against client and establishing precedent in Idaho for an exception to statute of frauds allowing auction purchaser to enforce bid on commercial property).
- Piramal Critical Care, Inc. v. Nephron Pharm. Corp., No. 1:11-CV-00480-BLW, 2012 WL 640939, at \*1 (D. Idaho Feb. 27, 2012)(succeeded in fending off Defendant's motion to dismiss for lack of standing and the failure to join an indispensable party).
- DelJack, Inc. (d/b/a the Crescent "No Lawyers"(TM) Bar) v. U.S. Bank

- Nat. Ass'n, No. 1:11-CV-00065-EJL, 2012 WL 4482049, at \*1 (D. Idaho Sept. 26, 2012)(succeeded in defeating Bank's motion for summary judgment in case involving bank cashing checks marked "for deposit only" for embezzler from business; later prevailed for client and obtained money judgment in jury trial).
- Beyer v. Storey, No. 1:12-CV-00231-BLW, 2012 WL 5273324, at \*4 (D. Idaho Oct. 24, 2012)(succeeded in obtaining partial summary judgment before trial in favor of homeowner against builder for \$650,000).
  - Hap Taylor & Sons, Inc. v. Summerwind Partners, LLC, 157 Idaho 600, 603, 338 P.3d 1204, 1207 (2014)(Succeeded in reversing district court and establishing precedent interpreting Idaho materialmen's lien statute to provide for a lien for engineering work to date from the first work done under the engineer's contract, regardless of whether that work was performed on or off of a construction site).
  - Eagle Equity Fund, LLC v. TitleOne Corp., 161 Idaho 355, 358, 386 P.3d 496, 499 (2016)(succeeded in upholding judgment in favor of client title company on basis that plaintiff had suffered no damage based on title company's mistaken forced reconveyance of plaintiff's deed of trust).
  - Savage v. Scandit Inc., 163 Idaho 637, 417 P.3d 234 (2018)(succeeded in reversing district court's dismissal by establishing that approximate \$430,000 commission and bonus, based on facts as pled and the parties contract, were "wages" subject to triple damages penalty for non-payment when due under Idaho's wage claim statute).
  - First Bank of Lincoln v. Land Title of Nez Perce Cty., Inc., 165 Idaho 813, 817, 452 P.3d 835, 839 (2019)(defended client title company and obtained summary judgment and successfully defended the same on appeal by arguing that lender bank had no right to deficiency under Montana law after a non-judicial foreclosure and that alleged damages for release of proceeds of payoff to original creditor, not to Plaintiff Bank assignee, were economic in nature and therefore barred by economic loss rule as recoverable in negligence action).
  - River Range, LLC v. Citadel Storage, LLC, No. 47087, 2020 WL 1889185, at \*1 (Idaho Apr. 16, 2020)(successfully defended seller client against claim for return of earnest money on uncompleted commercial real estate transaction, including arguments on breach of contract, waiver, and breach of the implied covenant of good faith and fair dealing).