



RAHIL K. SWIGART

Rahil Swigart is an attorney who specializes in corporate and real estate law, business litigation and insolvency. Ms. Swigart has dedicated her legal practice to helping individuals and businesses from entity formation through bankruptcy. She has represented small individual business clients to large corporations in matters of varying complexity from general business operations to contracts and litigation.

Ms. Swigart’s knowledge of contracts, business litigation, and insolvency issues on both creditor and debtor sides makes her the ideal attorney for businesses looking for an outside attorney to resolve their business disputes. She enjoys working with clients to arrive at innovative and cost-effective solutions and often counsels clients on risk aversion and corporate compliance. Ms. Swigart assists her clients in deciding the best entity formation for their new business venture and thereafter assists the business in drafting a variety of contracts including shareholder agreements, buy/sell agreements, independent contractor agreements, and other contracts needed to properly operate a small to medium-sized business.

Ms. Swigart's litigation experience uniquely situates her to understand the pitfalls and risks of litigation and to foresee and possibly avoid those risks at the outset of a client’s matter. In matters that proceed to litigation, Ms. Swigart develops creative strategies and resolutions to best serve her clients’ needs.

Ms. Swigart is also passionate about the environment and therefore enjoys working with clean/green technology companies in a variety of matters. Ms. Swigart also has a California Real Estate Broker’s License.

In 2011, Ms. Swigart was recognized by SD Metro Magazine as 40 people under 40 who are helping shape the San Diego region’s future.

Ms. Swigart is also a 2011 LeadSD graduate. As a participant in LeadSD, Ms. Swigart worked with the nonprofit organization, California Community Catalyst (Veterans Community Services), which assists newly discharged veterans in the transition to civilian life. Ms. Swigart and her team assisted in obtaining funding grants and other restructures so the entire community program will become a permanent institution.

PRACTICE GROUPS

- ▶ Business Litigation
- ▶ Bankruptcy, Insolvency and Reorganization
- ▶ Corporate & Securities
- ▶ Real Estate

EDUCATION

- ▶ J.D., California Western School of Law (2003)
- ▶ B.A., San Diego State University (2000)

ADMITTED TO PRACTICE

- ▶ California
- ▶ U.S. District Court
 - Southern District of California
 - Central District of California
- ▶ U.S. Bankruptcy Court
 - Southern District of California
 - Central District of California
 - Northern District of California
 - Eastern District of California

AFFILIATIONS

- ▶ State Bar of California
- ▶ California Western School of Law, Vice Chair, Board of Trustees
- ▶ San Diego Bankruptcy Forum, Board Member
- ▶ San Diego County Bar Association
- ▶ Lawyers Club of San Diego

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In 2014, Ms. Swigart was appointed to the Board of Trustees for California Western School of Law, where she is an active participant in both the Advancement and Recruitment committees. Ms. Swigart is dedicated to increasing diversity in the law. She organizes an annual scholarship fund within Higgs Fletcher & Mack and raises scholarship funds to be awarded to a California Western student that demonstrates ethical and/or civic leadership and provides services to underrepresented groups in the community. Ms. Swigart also supports the Higgs Fletcher & Mack annual USD Diversity Scholarship.

REPRESENTATIVE MATTERS

Formed legal entities in a variety of business structures such as corporations, limited liability companies, nonprofit mutual benefit corporations, and partnerships.

- ▶ Drafted and reviewed business contracts such as buy/sell agreements, operating agreements, stock purchase agreements, non-disclosure agreements, independent contractor and master services agreements.
- ▶ Drafted contracts for large green/clean energy corporate client.
- ▶ Resolved a judicial foreclosure and claim for deficiency judgment of \$4 million on a multi-million dollar property in Rancho Santa Fe whereby the client was permitted to make payments over a period of four years for a fraction of the overall alleged deficiency.
- ▶ Counseled clients on real estate transactions including drafting, reviewing and revising purchase agreements, deeds of trusts and other real estate agreements for both commercial and residential matters.
- ▶ Filed a judicial foreclosure action foreclosing on vacant lots located in Northern Los Angeles County and obtained a deficiency judgment against the borrower.
- ▶ Assisted clients in arbitration and obtained over \$300,000 in refunds of deposits in real estate development purchase agreements.
- ▶ Represented international business in defending adversary action filed by the trustee in a Chapter 7 bankruptcy.
- ▶ Represented the Chapter 7 trustee and filed over 17 cases for the return on preference payments made to creditors in a corporate bankruptcy.
- ▶ Assisted in a contract dispute in Superior Court and obtained a jury verdict of over \$1,000,000 on a cross-complaint.
- ▶ Filed petitions for bankruptcy for businesses and counseled clients to avoid bankruptcy.
- ▶ Arbitrated a complex partnership dispute that lead to the clients' return as general partner of three real estate limited partnerships.

In her free time, Ms. Swigart enjoys running, volunteering with her children in beach clean-up events and traveling with her family.