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Services

- » Professional Liability & Malpractice
- » Real Estate
- » Litigation
- » Directors & Officers Liability
- » Appellate

Michael Orcutt

Michael Orcutt represents licensed professionals in courts across the state of Arizona and before regulatory and administrative bodies, such as the Department of Real Estate, the Department of Insurance and Financial Institutions, and the Arizona Association of Realtors®. His practice includes the defense of real estate agents and brokers, architects and engineers, law firms, insurance brokers, appraisers, and other professionals, through all stages of litigation, from pre-suit mediation to appeals before the Arizona Court of Appeals and the U.S. Court of Appeals for the Ninth Circuit. As part of this practice, Michael has obtained complete defense verdicts for licensed professionals in more than one dozen bench and jury trials in Maricopa, Pima, Coconino, and Yavapai Counties.

Michael serves as outside general counsel to several large real estate brokerage groups in Arizona, including both traditional home and luxury home market brokers and agents. In this role, he is frequently sought to advise on arising issues resulting from market trends and serves as a sounding board. He also represents property owners' associations as general counsel and in the defense of director and officers' liability claims.

Outside of his professional liability law practice, Michael represents individuals and entities in a wide range of commercial litigation matters, where he emphasizes providing cost-effective representation and exploring creative solutions to achieve the best possible outcome for his clients. He also has extensive experience handling all types of real property matters, including construction defects, easements, adverse possession, quiet title, partition, nuisance, and boundary disputes. Following the housing market downturn in 2008, Michael counseled hundreds of homeowners regarding short sale and foreclosure options, and he regularly litigated post-foreclosure lawsuits under Arizona's anti-deficiency statutes.

Additionally, he assists builders and investors in their commercial and large real estate transactions.

Representative Engagements

- » Assist real estate brokerages in all areas of their practice, from initial formation and licensing with the Arizona Department of Real Estate, to outside general counsel and representation in defense of civil and administrative claims.
- » Complete defense verdict for structural engineering firm involved in the design of a private jail facility near Kingman, Arizona following a two-week bench trial in U.S. District Court.
- » Representation of homeowners' association in defense of claims challenging the association's authority to regulate property use issues.

Representative Engagements (cont.)

- » Representation of homeowners' association in defense of claims challenging the association's authority to regulate property use issues.
- » Representation of wholesale insurance brokerage in coverage dispute following a boiler explosion at power plant located near Snowflake, Arizona.
- » Representation of law firm in defense of malpractice lawsuit seeking more than \$1 billion in alleged damages arising from failed real estate development.
- » Representation of the Coalition of Arizona Appraisers ("COAA") before the Arizona Senate Judiciary Committee on a proposed bill to create a statute of limitations specific to appraisers, appraisal managements, and mortgage brokers.
- » Representation of real estate appraisers before the Arizona Department of Insurance and Financial Institutions, as well as in the defense of civil claims asserted by homeowners and mortgage lenders.
- » Representation of pass-through investors of Mortgages, Ltd. in separate lawsuits seeking more than \$100 million in alleged damages, which included initial dismissals at the trial court level through affirmation by the Ninth Court on appeal; see PDG Los Arcos, LLC v. Adams (In re Mortgages Ltd.), 427 B.R. 780 (D.Ariz. 2010).

Bar Admissions

- » Arizona
- » U.S. District Court for the District of Arizona
- » U.S. Court of Appeals for the Ninth Circuit

Education

University of Nebraska-Lincoln Law School, J.D. (2007)

Arizona State University, Barrett Honors College, B.S., *summa cum laude* (2003)

Published Works

- » Co-Author, Arizona Tort Law Handbook, Real Estate Broker Liability Chapter, *State Bar of Arizona* (2012)

Honors & Awards

- » Listed as a Southwest Super Lawyers Rising Star (2017)

Professional Associations & Memberships

- » State Bar of Arizona, Member
- » Arizona State University Alumni Association, Member

Classes & Seminars

- » Frequent instructor on risk reduction issues for real estate licensees and industry partners, including many of the largest real estate brokerages and title companies in Arizona.

Community Involvement

- » Youth Sports Coach, Recreation of Madison Meadows-Simis ("RAMMS")
- » Dad's Club, St. Thomas the Apostle Roman Catholic School