

Michael R. Palumbo

Special Counsel



Overview

Mr. Palumbo brings more than 30 years of civil litigation experience to assist clients in resolving their business disputes. Although he has participated in more than 40 trials in the Superior Courts of Arizona and District Court of Arizona, in most of which he was lead counsel, Mr. Palumbo is also a strong advocate for alternative dispute resolution.

Contact

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- Phoenix, AZ

Areas of Focus

- Commercial Litigation
- Real Estate Litigation
- Title Insurance
- Escrow Agent and Deed of Trust Litigation
- Homeowners' Association Disputes
- Alternative Dispute Resolution

Education

J.D., University of Notre Dame Law School (1981)

- *cum laude*

B.A., Social Studies Education, LaSalle University (1968)

Biography

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Mr. Palumbo has served as a Judge Pro Tem for the Maricopa County Superior Courts since 1998 and has presided over trials and dozens of settlement conferences since that time. His experience in this regard is very helpful in assessing strengths and weaknesses of cases, and in achieving early negotiated resolutions where appropriate.

Mr. Palumbo's practice focuses on commercial and real estate litigation. Particular areas of experience include title insurance, escrow agent and Deed of Trust litigation; and quiet title, adverse possession, homeowners' associations and real estate agent disputes.

He also served on the Firm's Internal Ethics Committee, with the responsibility of assisting the Firm's General Counsel and Firm Members in resolving potential ethical issues.

Admissions

Admitted to Practice

- Arizona (1981)

Court Admission

- U.S. Court of Claims (1985)
- U.S. District Court, District of New Jersey (1982)
- U.S. Court of Appeals, Third Circuit (1982)
- U.S. District Court, District of Arizona (1981)
- U.S. Court of Appeals, Ninth Circuit (1981)

Representative Experience

- Represented an out-of-state bank in a dispute with an in-state bank relating to the conduct of a trustee sale arising out of the terms of a loan participation agreement
- Represented defendant/counterclaimant Fortune 500 oilfield services company in multi-million dollar action filed by lender arising out of guaranty of the loan, alleging fraud, racketeering, etc. (Matter settled by the dismissal of claim after a motion for summary judgment)
- Represented defendant international manufacturer of commercial aircraft engines in product liability suit alleging defective design (Judgment dismissing complaint upheld by United States Court of Appeals for Ninth Circuit)
- Represented defendant international manufacturer of a concrete batch plant in product liability suit alleging defective design (Defense verdict after a jury trial)
- Represented plaintiffs against title company in trial court, Arizona Appellate Court, and Arizona Supreme Court proceedings in leading cases relating to duties of escrow agents (Supreme Court reversed summary judgment in favor of title company; Jury verdict in favor of plaintiffs on remand)
- Represented and obtained summary judgment in favor of major local grocery chain in a \$50 million lawsuit alleging breach of contract for sale and leaseback of several of its stores
- Represented defendant major regional shopping center in a suit by tenant regarding the ability to sub-lease a portion of its space (Settled)
- Represented plaintiff landowner where the title company failed to list lis pendens and the lis pendens claimant sought a constructive trust (Settled)
- Represented defendant owner of a strip mall where tenant ceased operations and attempted to assign its lease (Settled)
- Represented defendant title insurance company in litigation with posting service alleging gross negligence of posting service in “indexing” property records (Settled)
- Represented plaintiff insurance company in action against insured for rescission based on fraudulent concealment and policy exclusion (Jury verdict for title company)
- Represented defendant title insurance company in breach of contract action filed by the party to escrow (Jury verdict for title company)

Media and Presentations

Articles

- Featured, [“The College Athletes of Jennings, Strouss & Salmon: Playing the Game of Law,”](#) *Attorney At Law Magazine* (June 26, 2020)
- Author, “Legal Watch Series: Topic 12 – Scheindlin Rejects Proposed Federal Rule Regarding

Electronically Stored Information (ESI) Discovery Sanctions," *Jennings Strouss Newsletter* (November 21, 2013)

- Author, "Legal Watch Series: Topic 11 - Predictive Coding - Is it the Way of the Future for Discovery of Electronically Stored Information," *Jennings Strouss Newsletter* (July 13, 2012)
- Author, "Legal Watch Series: Topic 10 - Can You Recover Costs for E-Discovery Services as an Expense of Litigation," *Jennings Strouss Newsletter* (May 31, 2012)
- Author, "Legal Watch Series: Topic 9 - Employees' Privacy Rights When Using Company Computers," *Jennings Strouss Newsletter* (August 17, 2011)
- Author, "Legal Watch Series: Topic 8 - Social Media and the Workplace," *Jennings Strouss Newsletter* (June 17, 2011)
- Author, "Legal Watch Series: Topic 7 - Shifting Costs Incurred in Producing Electronic Information," *Jennings Strouss Newsletter* (September 21, 2010)
- Author, "Legal Watch Series: Topic 6 - Accessibility - what ESI must be produced," *Jennings Strouss Newsletter* (May 6, 2010)
- Author, "Legal Watch Series: Topic 5 - More on Litigation Holds and Document Preservation," *Jennings Strouss Newsletter* (April 8, 2010)
- Author, "Legal Watch Series: Topic 4 - Litigation Holds - When Destruction is Prohibited," *Jennings Strouss Newsletter* (March 18, 2010)
- Author, "Legal Watch Series: Topic 3 - Destruction is Not an Evil Term," *Jennings Strouss Newsletter* (February 2, 2010)
- Author, "Legal Watch Series: Topic 2 - Preparing for E-Discovery," *Jennings Strouss Newsletter* (December 11, 2009)
- Author, "Legal Watch Series: Topic 1 - The Need for and Preparation of Your E-Discovery Team," *Jennings Strouss Newsletter* (November 23, 2009)
- Author, "Arbitration Update: More on Judicial Review of Arbitration Awards," *Jennings Strouss Newsletter* (May 1, 2009)
- Author, "Judicial Review of Arbitration Awards," *Jennings Strouss Newsletter* (November 12, 2008)
- Author, "The Need for Attorney Coordination In Electronic Discovery," *Jennings Strouss Newsletter* (April 1, 2008)

Presentations

- Seminar on D'Oench Duhme doctrine, Maricopa County Bar Association
- Seminar on ethical issues in litigation, Maricopa County Bar Association
- Seminar on conflicts of interest issues facing in-house corporate counsel, State Bar Corporate Counsel Section
- Seminar on ethical issues involved in asset protection plans, Maricopa County Bar Association
- Seminar on ethical issues involved with New Technology, State Bar of Arizona
- Panelist, "Ethical Afternoon at the Movies," State Bar of Arizona
- Arbitration Seminar for Jennings Strouss clients

Memberships

American Bar Association

- Member, Litigation Section

State Bar of Arizona

- Member, Real Property and Business Sections
- Member, Fee Arbitration Committee (2012)
- Chairman, Case Conflict Committee (2002 - 2011)
- Member, Ethics Committee (1984 - 1988 and 1992 - 2000)
- Executive Committee, Trial Practice Section (1992 - 1994)
- Member, Special Committee on the Unauthorized Practice of Law (1990)

Litigation Counsel of America

- Fellow (2008 - present)

Community Involvement

Arizona Department of Education

- Special Task Force on Classroom Discipline (1989 - 1990)

Arizona Special Olympics

- Board of Directors (1983 - 1986)

Rotary Club of Phoenix West

- Member, Board of Directors (1992 - 1994 and 1996 - 2008)
- President, Board of Directors (1999 - 2000)
- Member (1990 - 2008)

St. Mary's High School

- Board of Directors (1992 - 1995)

Academy of Business College

- Member, Distinguished Advisory Board (1992 - 1995)

Notre Dame Club of Phoenix

Honors and Awards

- [AV Preeminent® Peer Review Rated™](#)
- Listed, "[Top 100 Lawyers in Arizona](#)," *Az Business magazine* (2022)
- Selected, *The Best Lawyers in America*® Phoenix "Lawyer of the Year" for Mediation (2022)
- Listed, *The Best Lawyers in America*® in the categories of Arbitration, Commercial Litigation, and Mediation (2013 - 2022)
- Listed, *Southwest Super Lawyers*® in the category of Business Litigation (2007, 2009 - 2017)
- Best of the Bar, *The Business Journal* (2004)
- "Top 50 Pro Bono Attorneys for 2003," The Arizona Foundation for Legal Services and Education