



SCOTT A. MALM

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Scott Malm concentrates his practice on litigation and dispute resolution for businesses and individuals. He primarily advises and represents title insurance companies and their insureds, escrow agents, lenders, developers, brokers, contractors, and similar clients in trial and appellate courts at the state and federal level.

Scott is recognized in Real Estate Law by *Best Lawyers in America*®, is rated AV-Preeminent by Martindale-Hubbell, representing the highest rating in legal ability and ethical standards, and has been recognized in the *Southwest Super Lawyers*® list for Real Estate Law.

Scott has handled numerous mediations as a Judge Pro Tem for Maricopa County Superior Courts. He is also available as a mediator and arbitrator for real estate, title, escrow, and business disputes.

PROFESSIONAL ASSOCIATIONS

- State Bar of Arizona
 - Real Estate Law Advisory Commission (2005-2008)
- Judge Pro Tempore, Maricopa County Superior Courts (2005-current)

REPRESENTATIVE MATTERS

- *Maricopa County v. Rovey*, 250 Ariz. 419 (App. 2020) (roadways and easements)
- *Pac. W. Bank v. Castleton*, 246 Ariz. 108 (App. 2018) (judgment liens and homestead)
- *Deutsche Bank Nat'l Tr. Co. v. Pheasant Grove LLC*, 245 Ariz. 325 (App. 2018) (deed reformation)
- *Markham Contracting Co., Inc. v. FDIC*, 240 Ariz. 361 (App. 2016) (equitable subrogation)
- *Lewis v. Debord*, 238 Ariz. 28 (2015) (recorded judgment lien)
- *Manicom v. CitiMortgage, Inc.*, 236 Ariz. 153 (App. 2014) (lien priority)
- *Weitz Co LLC v. Heth*, 235 Ariz. 405 (Ariz. 2014) (equitable subrogation)
- *Brimet II, LLC v. Destiny Homes Marketing, LLC*, 231 Ariz. 457 (App. 2013) (equitable subrogation)
- *Wang Elec. v. Smoke Tree*, 230 Ariz. 314 (App. 2012) (unjust enrichment)
- *Sourcecorp v. Norcutt*, 229 Ariz. 270 (2012) (equitable subrogation)
- *In re Vasquez*, 228 Ariz. 357 (2011) (trustee's sale procedures)
- *Cont. Light. & Contr., Inc. v. Premier, et al.*, 227 Ariz. 382 (App. 2011) (equitable subrogation)
- *Cypress on Sunland HOA, et al. v. Orlandini II*, 227 Ariz. 288 (App. 2011) (HOA liens)
- *In re Mortgages Ltd.*, 444 B.R. 585 (Bkctcy.D.Ariz. 2011) (equitable subrogation)
- *Birdsell v. Bella Funding*, 430 B.R. 544 (Bkctcy.D.Ariz. 2010) (deed of trust validity)
- *In re Estate of Parker*, 217 Ariz. 563 (App. 2008) (real estate succession affidavit)
- *Maxfield v. Martin*, 217 Ariz. 312 (App. 2007) (identity theft/escrow liability)
- *Bunyard v. U.S. Dept. of Ag.*, 301 F. Supp.2d 1052 (D. Ariz. 2004) (adverse possession)
- *Speros v. Yu*, 207 Ariz. 153 (App. 2004) (rights of way abandonment)
- *Mealey v. Arndt*, 206 Ariz. 218 (App. 2003) (boundary by acquiescence)

PRACTICE AREAS

- Real Estate
- Litigation
- Alternative Dispute Resolution

AREAS OF FOCUS

- Title Insurance and Escrow
- Real Estate Litigation
- Commercial Disputes

EDUCATION

- University of Arizona (J.D., *cum laude*, 1997)
- University of Wales, Cardiff Business School (M.B.A., 1993, Rotary International Scholar)
- University of Arizona (B.A., *cum laude*, Honors Program 1991)

ADMISSIONS

- Arizona (1997)
- U.S. District Court, Arizona (1997)
- U.S. Court of Appeals, Ninth Circuit (1998)

PRESENTATIONS & PUBLICATIONS

- Arizona State Bar, Real Property and Construction Law Sections (2011-present)
- Land Title Assoc. of Arizona and Arizona State Escrow Assoc. Conferences (2008-present)
- National Business Inst.: Boundary Law and Real Estate Titles (2002-present)
- National CLE Conference, Law Education Institute: Title Insurance (2007 and 2009)
- Author, *Arizona Journal of Real Estate and Business: "Abstractor Liability"* (2004)
- Arizona Trustee Association: Equitable Subrogation (2002 and 2012)

PROFESSIONAL RECOGNITION

- *The Best Lawyers in America*®, Real Estate Law (2020-2022)
- *Southwest Super Lawyers*®, Real Estate Law (2012-2013)
- Featured "Innovator" in the *Phoenix Business Journal* (August 2009)

COMMUNITY INVOLVEMENT

- Youth Sports Head Coach, including multiple Coach of the Year awards (2007-present)
- Gilbert Christian Schools (former president and board member, 2009-2014)
- Electronic Recording Commission (appointed by Governor, 2006-2007)
- Arizona Town Hall (report chairman, panel chairman, panel recorder, 2000-2009)
- Chandler-Horizon Rotary Club (former president and board member, 1998-2008)
- Actors Theatre of Phoenix (former executive committee and board member, 1998-2001)

LEGAL UPDATES & FIRM NEWS

AUG 19, 2021 - [GENERAL](#)

Best Lawyers In America© 2022 Names Five Gust Lawyers "Lawyer Of The Year"; Five As "Ones To Watch"; And 38 As Leaders In Their Field

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Legislature Makes Major Changes To Arizona's Homestead Laws

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