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#### SERVICES

- Construction Law
- Construction Litigation
- Litigation
- Employment Litigation
- Commercial Real Estate
- Business Law
- Civil Litigation
- Insurance Defense & Coverage
- Mediation & Arbitration

# D. Kim Lough

Kim Lough devotes a substantial majority of his practice to litigation. He has extensive trial experience in complex construction and employment discrimination litigation, and other civil and administrative cases.

Kim's trial and litigation experience includes representing owners, contractors, subcontractors and suppliers in trial, arbitrations and mediations. He has successfully defended employers in multiple employment discrimination matters. Kim has also defended contractors and others in defense of personal injury claims, OSHA complaints and Registrar of Contractor complaints. He has successfully prosecuted and defended claims of construction defects in commercial and residential construction.

Kim joined the firm in 1982 and became partner in 1989.

Kim has earned the AV Preeminent Rating with Martindale Hubbell®. He graduated from the University of Arizona.

#### *Representative Engagements*

- Received jury verdict in favor of a subcontractor client penalized under the FAA P 401 Specification for asphalt placed at taxiways at the Prescott Municipal Airport.
- Received a defense verdict on jury trial in favor of an employer accused of employment discrimination by the EEOC.
- Received jury verdict in favor of design engineer for recovery of profits earned in an HVAC upgrade improvement for a major hospital.
- Representation of a general engineering contractor in a successful bid protest for an award of construction of a fish hatchery for the Arizona Department of Game and Fish.
- The successful representation of a general contractor in defense of citations issued by the Division of Occupational Safety & Health in an industrial fatality occurring during the construction of a county jail facility.
- The successful representation of a construction contractor and its surety in regard to the failure of foundations in the construction of a municipal maintenance facility.

## **Bar Admissions**

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- Arizona
- All Arizona State and Municipal Courts
- U.S. District Court District of Arizona
- U.S. Court of Appeals Ninth Circuit
- U.S. Supreme Court

## **Education**

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- University of Arizona College of Law, J. D. (1979) with distinction
- University of Arizona Bachelor of Arts (1976)

## **Published Works**

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- Author, **Legal Alert:** *Arizona Court Declares That Preliminary 20-Day Notices Must be Served by Certified or Registered Mail to Preserve a Bond Claim* (May 2015)
- Author, *Interpretation of Davis-Bacon Act Could Result in Unforeseen Employee Lodging Expenses*, **ENR Southwest** (May 2012)
- Author, *Arizona Mechanics' & Materialmen's Lien and Bond Claims: The 1998 Changes and Beyond* (1998)
- Author, *Construction Surety Bonds in Arizona* (1996)
- Author, *Protect Your Rights to Payment*, **Arizona Contractors Association** (1995)
- Author, *Enforcing Your Lien Right* (1993)

## **Honors and Awards**

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- Listed as the 2022 **Lawyer of the Year by The Best Lawyers in America®** in the area of Construction Law in Arizona
- Inclusion in **The Best Lawyers in America®** for the following areas:
  - Construction Law (2011-2025)
  - Construction Litigation (2008-2025)
- Annually honored by **Southwest Super Lawyers®** since 2008 for his work in the area of Construction Law and Litigation

## **Professional Associations and Memberships**

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- State Bar of Arizona, Construction Law Section, Past Board Member
- State Bar of Arizona, Labor and Employment Law Section
- Maricopa County Bar Association, Member
- Arizona Builders Alliance, Member, Attorneys' Counsel

### **Classes/Seminars**

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- *The Contractor in Distress Call; You Best Advice*, **State Bar of Arizona's Construction Law Section** in Phoenix, Arizona (Feb. 6, 2018)
- *Arizona Mechanics and Materialmen's Lien and Bond Claims* (March 2006)
- *Litigating a Multi-Party Construction Case: Lessons Working learned from Pioneer Roofing and its Progeny*, **State Bar of Arizona** (Feb. 2006)
- Material Price Escalation: Request for Change and Contract Clauses, **State Bar of Arizona** (June 2005)
- Construction Management at Risk Facts/Design Building Arizona, **Lorman Education Services** (April 2005)
- Contract Killer Clauses, **Arizona Builders Alliance Project Management Series** (March 2004)

### **Pro Bono Activities**

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- Maricopa County Bar Association -Volunteer Lawyers Program

### **Community Involvement**

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- University of Arizona Alumni Association
  - Former national Board of Directors member
  - Phoenix Club, Past President
- Neighborhood Housing Services
  - Past Board Member