

## D. Kim Lough

(602) 234.7824  
dkl@jhc.law

### *Areas of Practice*

Construction Law

OSHA

Registrar of Contractors Complaints

Construction Defect

Employment Law

Wrongful Discharge

Commercial Real Estate

Business Law

Litigation

Insurance Coverage & Defense

Administrative Law

Consumer Rights



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

Mr. Lough's trial and litigation experience includes representing owners, contractors, subcontractors and suppliers in trial, arbitrations and mediations. He has successfully defended clients in multiple employment discrimination matters as well as personal injury claims. He has also successfully prosecuted and defended claims of construction defects in commercial and residential construction.

Mr. Lough joined the firm in 1982 and became partner in 1989.

Mr. Lough graduated from the University of Arizona (B.A. 1976 and J.D. 1979).

Mr. Lough has earned the AV Preeminent Rating with Martindale Hubbell®.

## *Bar Admissions*

Arizona

U.S. Court of Appeals 9th Circuit

U.S. District Court District of Arizona

U.S. Supreme Court

## *Education*

University of Arizona College of Law

1979 (With Distinction)

University of Arizona

B.A., 1976

## *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.

The successful prosecution of a local labor organization for malicious prosecution against a client in connection with an organizing campaign.

## *Published Works*

*Interpretation of Davis-Bacon Act Could Result in Unforeseen Employee Lodging Expenses,*

**ENR Southwest** (May 2012)

*Arizona Mechanics' & Materialmen's Lien and Bond Claims: The 1998 Changes and Beyond*

(1998)

*Construction Surety Bonds in Arizona* (1996)

*Protect Your Rights to Payment, Arizona Contractors Association* (1995)

*Enforcing Your Lien Right* (1993)

## *Honors and Awards*

Selected to the **Southwest Super Lawyers** list – 2019

Named to the **Southwest Super Lawyers**<sup>®</sup> for Construction Law and Litigation (2015-2018)

Listed in The Best Lawyers in America®, Construction Litigation (2008-2019).

## *Professional Associations and Memberships*

State Bar of Arizona, Construction Law Section, Past Board Member State Bar of Arizona, Labor and Employment Law Section

Maricopa County Bar Association

Arizona Builders Alliance, Member, Attorneys' Counsel

Arizona Roofing Contractors Association, General Counsel

## *Pro Bono Activities*

Maricopa County Bar Association -Volunteer Lawyers Program

## *Classes/Seminars*

*The Contractor in Distress Call; Your Best Advice*, **State Bar of Arizona's Construction Law Section** in Phoenix, Arizona (February 6, 2018)

*Arizona Mechanics and Materialmen's Lien and Bond Claims* (Mar. 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 Build in Arizona, **Lorman Education Services** (Apr. 2005)

Contract Killer Clauses, **Arizona Builders Alliance Project Management Series** (Mar. 2004)

# *Community Activities*

University of Arizona Alumni Association

Former national Board of Directors  
member

Phoenix Club, Past President

Neighborhood Housing Services

Past Board Member





## Contact Information

### Jennings Haug Cunningham

2800 North Central Avenue, Suite 1800  
Phoenix, AZ 85004

**Phone:** 602.234.7800  
**Fax:** 602.277.5595

[Get Directions](#)

© 2018 by [Jennings, Haug & Cunningham, L.L.P.](#) All rights reserved. [Disclaimer](#) | [Site Map](#)  
[Privacy Policy](#) | [Business Development Solutions](#) by [FindLaw](#), part of Thomson Reuters.