

# Snell & Wilmer

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## Patrick F. Welch

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## Main Bio

Patrick Welch is a seasoned litigator who focuses his practice on construction, fidelity and surety, insurance, commercial disputes, and U.S./Mexico cross border trade and investment matters. Considered a trusted advisor to his clients, Patrick leverages his extensive legal experience and global perspective to help businesses meet their desired objectives.

Further, Patrick represents sureties, general contractors, and subcontractors in state, federal, and bankruptcy courts and private arbitrations involving construction claims on complex public and private construction projects, defending related claims for extra contractual damages, and prosecuting indemnity and recovery claims. He provides legal review of and drafts construction contracts, bond forms, indemnity agreements, settlement agreements, and take over agreements. Patrick also advises sureties, general contractors and subcontractors on cross-border construction projects involving the U.S./Mexico. Patrick's insurance defense practice includes coverage analysis and coverage litigation under builder's risk policies, commercial general liability policies, and excess coverage policies.

Patrick has an extensive professional network in Mexico. He is a delegate on the Financial and Legal Services Committee of the Arizona-Mexico Commission and actively promotes U.S./Mexico cross border trade. Patrick helped establish the Arizona Mexico Town Hall Forum and is a founding member and vice president of the Sonoran Desert Chapter of Lambda Alpha International. Patrick's passion for supporting clients with cross-border business objectives stems from his strong family connection to Mexico.

## Representative Experience

### Construction and Surety

- Represented owners, general contractors, and subcontractor in construction-related litigation, including breach of contract, delay, professional negligence, and indemnity claims
- Represented surety clients in investigating and defending claims made against various forms of surety bonds, including contract performance and payment bonds, bid bonds, subdivisions bonds, and statutory bonds (e.g., motor vehicle dealer bonds, contractor license bonds, mortgage broker bonds, etc.)
- Represented surety clients in indemnity recovery actions
- Consulted surety clients on takeover agreements, tender agreements, collateral security and assignment agreements and indemnity agreements

- Represented general contractor in payment dispute with surety and U.S. Army Corp of Engineers involving federal contract
- Represented 8(a) SBA general contractor in dispute with its joint venture partner and mentor involving entities performing work under federal contracts
- Represented homeowners with respect to Arizona's Purchaser Dwelling Act claims, and Arizona Registrar of Contractor complaints

### **Cross-Border**

- Negotiated and documented real property transactions, including sales and acquisitions of residential and commercial properties
- Advised U.S. investor group concerning agreement for the development of a luxury time-share project along the Pacific Coast of Mexico
- Advised U.S. contractors in connection with due diligence and bidding on public construction project in Mexico
- Advised U.S. sureties in connection with construction bond defaults in Mexico and related indemnity recovery actions in the U.S.
- Advised U.S. surety on dynamics of Mexican surety market and potential acquisition candidates and provided recommendation on due diligence
- Represented U.S. based food manufacturer in connection with cross-border commercial dispute with Mexican customer
- Advised Mexican individuals and entities concerning business formation in the U.S.
- Advised U.S. company in connection to near shoring operations in Sonora, Mexico, including entity formation, lease agreement, and related tax planning

### **Education**

- New England School of Law (J.D.)
- Connecticut College (B.A., International Relations & Economics)
- Vietnam National University, Hanoi, Vietnam (Vietnamese Language Immersion Program)
- Universidad Complutense de Madrid / Institute of European Studies, Madrid, Spain (Economics Department and Spanish Immersion Program)

### **Languages**

- Spanish (Professional Working Proficiency)
- Vietnamese (Limited Proficiency)
- Japanese (Elementary Proficiency)

### **Professional Memberships & Activities**

- Surety Claims Institute, Member
- Arizona Surety Association, Member
- Lambda Alpha International ("LAI") – Founding member of Sonoran Desert Chapter, Hermosillo, Sonora, Mexico

- Arizona Town Hall, Board Member and Volunteer (2017 – Present)
- Arizona Mexico Commission, Delegate (2012 – Present)

## Representative Presentations & Publications

### Publications

- "[New Tariff Policy Amplifies the United States' Efforts To Bolster Nearshoring Strategy](#)," Co-Author, Snell & Wilmer Legal Alert (May 28, 2024)
- "Practice Pointer – Don't Overlook The Importance of Intercultural Communication," Author, Quarterly Newsletter, American Bar Association, Tort Trial and Insurance Practice Section, Fidelity & Surety Law (Fall 2020)
- "Arizona-Mexico Town Hall in Hermosilla explores importance of cross-border resources," Guest Contributor, Chamber Business News (October 2019)
- "Respective Economic Society Chapters Cheer Arizona-Mexico Manufacturing," Quoted, Chamber Business News (2019)
- "Strengthening Arizona-Mexico relationships: Q&A with Patrick Welch," Featured, Arizona Capitol Times (2017)
- "Viewpoints: Arizona Can't Be Last to Make Nice with Mexico," Co-author, Arizona Republic (2016)
- "Prompt Payment Laws – Traps for the Unwary: Common Issues Affecting Owners, Contractors and Subcontractors," Author, Fidelity & Surety Law Committee Newsletter, American Bar Association (2016)
- "Problems and Pitfalls Handling AIA Bond Claims," Co-author (2011)
- "Complimentary Provisions of the Indemnity Agreement," Co-author, The Surety's Indemnity Agreement – Law & Practice, 2d Ed., American Bar Association (2008)
- "Challenges to Plaintiffs Seeking Lead Plaintiff Status in Securities Fraud Class Actions," Co- author, ALI-ABA Securities Litigation Program (2006)
- "Recent Challenges to Class Certification in Securities Fraud Class Actions," Co-author, ALI-ABA Securities Litigation Program (2005)

### Presentations

- "USMCA: Strengthening the Arizona-Mexico-Canada Bond," Panelist, AZ TechCast, the Arizona Technology Council Podcast (May 28, 2021)
- "Cross-Border Connecting: 'A Conversation With Top Chef Maria Mazon'," Moderator, Arizona Town Hall (April 15, 2021)
- "Cross-Border Connecting: 'Arizona-Mexico Consuls General Panel'" Moderator, Arizona Town Hall (March 18, 2021)
- "Surety Association of Arizona – Conference call: Force Majeure contract provision language and the New SBA Coronavirus Lending Programs," Surety Association of Arizona (April 15, 2020)
- "Qualified Zone Opportunities," Co-Presenter, Surety Association of Arizona (November 19, 2019)
- "The Importance of Communication in Cross-Border Business," Moderator, Sonora-Arizona Commission, Economic Development Committee (November 2019)

- “Cross-Border Trade Focus of Arizona-Mexico Town Hall in Hermosillo,” Presenter, 91.5 KJZZ (October 2019)
- “Arizona & Mexico Town Hall,” Presenter, The Creative Show (October 2019)
- “Arizona Business Attraction,” Moderator, Arizona Mexico Commission, Financial Legal Services Committee Panel (June 2019)
- “Expanding into the Arizona Market,” Moderator, Arizona Mexico Commission, Cross Border Investment Workshop (June 2019)
- “Opportunities for Artists South of the Border: How to Get Started in Mexico?” Presenter, Arizona Mexico Commission, Arts and Culture Committee (June 2019)
- “Ethics Issues in the Use of Key General Indemnity Agreement Provisions,” Presenter, Surety Claims Institute (June 2019)
- “Key Trends Concerning Cross-Border Trade and Investment in the Arizona-Sonora Mega- Region,” Presenter, Land Economics Society’s (LAI) Sonoran Desert Chapter (February 2019)
- “Foreign Judgement,” Presenter, Arizona Mexico Commission, International Section of Arizona State Bar, and the Barra Sonorence de Abogados A.C. (COLEGIO), Financial and Legal Services Committee (November 2018)
- “The Challenges of Doing Business With Latin American Entities and the Emerging Cuban Market,” American Bar Association, Tort Trial & Insurance Practice Section, Fidelity, and Surety Law Committee 2017 Midwinter Meeting (January 2017)
- “Development Opportunities South of the Border: How to Get Started in Mexico,” Development Opportunities in Mexico: Is Mexico Our New Frontier? LAI (2016)
- “Métodos Alternativos de Solución de Conflictos: ventajas y desventajas en el contexto de un litigio comercial en los Estados Unidos,” 2nd International Congress of the Northwest Institute of Mexican Certified Public Accountants hosted by the Instituto Mexicano de Contadores Públicos Estado de Sonora (Hermosillo, Sonora, 2015)
- “Comercio Bilateral Entre Mexico y Los Estados Unidos: La Importancia de Métodos Alternativos de Solución de Conflictos,” at the Congreso Internacional Sobre Aspectos de Inversión hosted by the Instituto Mexicano de Contadores Públicos Estado de Sonora (Hermosillo, Sonora, 2014) “Train the Trainer” and “Introduction to Mediation and Consensus Building,” Lawyers Without Borders, Inc. (March 2012)

## **Community Involvement**

- The Society of St. Vincent de Paul, Volunteer (2015 – Present)
  - Co-Founder of the Health, Wellness, and Sustainability Passport Program (May 2022)
  - Legal Clinic, Volunteer (2015-2020)
- Coyotes Development Youth Ice Hockey Program (2011 – Present)
- USA Hockey (2011 – Present)
  - Level 4 Coach Certification
  - Level 2 Referee Certification

## **Previous Professional Experience**

- Jennings, Strouss & Salmon, PLC, Member (2012 – 2023)
  - Member (2016 – 2023)
  - Associate (2012 – 2016)
- Mann Berens & Wisner, LLP, Associate (2007 – 2012)
- Berman DeValerio Pease Tabacco Burt & Pucillo, Associate (2005 – 2007)
- Mitsubishi International Corporation, National Sales/Purchase Representative (1999 – 2002)

## **Bar Admissions**

- Arizona
- Massachusetts
- Nevada

## **Court Admissions**

- Supreme Court of Arizona
- United States Court of Appeals, First Circuit
- United States Court of Appeals, Ninth Circuit
- United States District Court, District of Arizona
- United States District Court, District of Colorado
- United States District Court, District of Massachusetts
- United States District Court, District of Nevada