

Patrick F. Welch

Member



Overview

Mr. Welch focuses his practice in the areas of general and complex commercial litigation, construction litigation, and fidelity and surety litigation. He is licensed in Arizona, Nevada, and the Commonwealth of Massachusetts. Based in Arizona, Mr. Welch regularly assists surety and fidelity clients with all facets of Arizona and Nevada claim investigations, litigation, trial, arbitration, mediation, and appeals.

Contact

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Areas of Focus

- Construction Litigation
- Surety Claims and Litigation
- Fidelity Claims and Litigation
- Commercial Litigation
- U.S. and Mexico Cross Border Transactions and Litigation

Education

- J.D., New England School of Law (2005)
- B.A., Connecticut College (1999)
- Vietnam National University, Hanoi, Vietnam
 - Vietnamese Language Immersion Program (Winter/Spring Semester 1999)
- Universidad Complutense de Madrid / Institute of European Studies, Madrid, Spain
 - Economics Department and Spanish Immersion Program (Fall Semester 1997)

Biography

Mr. Welch focuses his practice in the areas of general and complex commercial litigation, construction litigation, fidelity and surety litigation, and U.S./Mexico cross-border business transactions and litigation. He is licensed in Arizona, Nevada, and the Commonwealth of Massachusetts. Based in Arizona, Mr. Welch regularly assists surety and fidelity clients with all facets of Arizona and Nevada claim investigations, litigation, trial, arbitration, mediation, and appeals.

Mr. Welch has an extensive familial and professional network in Mexico. Mr. Welch is a delegate on the Financial and Legal Services Committee of the Arizona-Mexico Commission and actively involved with promotion of U.S./Mexico cross border trade. Mr. Welch 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. Mr. Welch's passion for supporting clients with U.S./Mexico cross-border business objectives stems from his strong family connection to Mexico.

Admissions

Admitted to Practice

- Nevada (2013)
- Arizona (2006)
- Massachusetts (2005)

Court Admissions

- U.S. District Court, District of Arizona
- U.S. District Court, District of Massachusetts

- U.S. District Court, District of Nevada
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Ninth Circuit (2014)

Representative Experience

Surety and Construction

- 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 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 dispute with surety and U.S. Army Corp of Engineers involving payment dispute under federal contracts.
- Represented 8(a) SBA general contractor in dispute with its joint venture partner and mentor involving entities performing work under federal contracts.

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.

Media and Presentations

Articles

- Author, "[Practice Pointer - Don't Overlook The Importance of Intercultural Communication](#)," *Quarterly Newsletter*, American Bar Association, Tort Trial and Insurance Practice Section, Fidelity & Surety Law (Fall 2020)
- Guest Contributor, "[Arizona-Mexico Town Hall in Hermosilla explores importance of cross-border resources](#)," *Chamber Business News* (October 2019)
- Quoted, "[Respective Economic Society Chapters Cheer Arizona-Mexico Manufacturing](#)," *Chamber Business News* (2019)
- Featured, "[Strengthening Arizona-Mexico relationships: Q&A with Patrick Welch](#)," *Arizona Capitol Times* (2017)
- Co-author, "[Viewpoints: Arizona Can't Be Last to Make Nice with Mexico](#)," *Arizona Republic* (2016)
- Author, "Prompt Payment Laws - Traps for the Unwary: Common Issues Affecting Owners, Contractors and Subcontractors," *Fidelity & Surety Law Committee Newsletter*, American Bar Association (2016)
- Co-author, "Surety Bad Faith Issues Still Unresolved Twenty-Six Years After Dodge v. Fidelity and Deposit Company of Maryland," *Arizona State Bar Construction Law Section Annual Conference* (2014)
- Co-author, "Problems and Pitfalls Handling AIA Bond Claims," (2011)
- Contributing Author, "Complimentary Provisions of the Indemnity Agreement," *The Surety's Indemnity Agreement - Law & Practice*, 2d Ed., American Bar Association (2008)
- Co-author, "Challenges to Plaintiffs Seeking Lead Plaintiff Status in Securities Fraud Class Actions," ALI-ABA Securities Litigation Program (2006)
- Contributing Author, "Recent Challenges to Class Certification in Securities Fraud Class Actions," ALI-ABA Securities Litigation Program (2005)

Blogs

- Co-Author, "[Arizona Surety Claims: Surety Bad Faith Revisited in Recent Decisions](#)," *Jennings Strouss Blog* (2016)
- "[Contractor Payment Pitfalls: No Right to Payment for Work Performed Outside License Scope](#)," *Jennings Strouss Blog* (2015)
- "[Bail Bond Sureties - Factors Arizona Courts Consider When Addressing Exoneration](#)," *Jennings Strouss Blog* (2015)
- "[Celebration of NAFTA's 20 Year Anniversary Puts Focus On Importance of Alternative Dispute Resolution](#)," *Jennings Strouss Blog* (2014)
- "[2014 Arizona-Mexico Commission Plenary Session Recap](#)," *Jennings Strouss Blog* (2014)

Interviews

- "[Think Tank discusses Arizona/Mexico trade and 'OK, boomer' meme](#)," KTAR News 92.3 FM (December 2019)
- "[As Trump reworks NAFTA Town Hall group heads to Mexico](#)," *Phoenix Business Journal* (May 2017)
- "[Arizona Mexico Commission Summit](#)," *La Reforma* (2016)
- "[Trade Across the Border](#)," *InBusiness Magazine* (2014)

- [“Economy: Executives Differ About Business Dealings in Mexico,”](#) *Phoenix Business Journal* (2013)
- [“Being Prepared for Cross-Border Travel,”](#) KSAZ-5 (2013)

Videos

- [“Race to Judgment,”](#) (2014)
- [“U.S. – Mexico Commercial Transactions,”](#) (2013)
- [“Vehicle Dealer Bonds,”](#) (2013)
- [“Residential and Commercial Bond Coverage,”](#) (2013)
- [“An Overview of Legal Services,”](#) (2013)

Presentations

- Panelist, [“USMCA: Strengthening the Arizona-Mexico-Canada Bond,”](#) AZ TechCast, the Arizona Technology Council Podcast (May 28, 2021)
- Moderator, [“Cross-Border Connecting: ‘A Conversation With Top Chef Maria Mazon’,”](#) Arizona Town Hall (April 15, 2021)
- Moderator, [“Cross-Border Connecting: ‘Arizona-Mexico Consuls General Panel’”](#) 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)
- Co-Presenter, “Qualified Zone Opportunities,” Surety Association of Arizona (November 19, 2019)
- Moderator, “The Importance of Communication in Cross-Border Business,” Sonora-Arizona Commission, Economic Development Committee (November 2019)
- Presenter, [“Cross-Border Trade Focus of Arizona-Mexico Town Hall in Hermosillo,”](#) 91.5 KJZZ (October 2019)
- Presenter, [“Arizona & Mexico Town Hall,”](#) The Creative Show (October 2019)
- Moderator, “Arizona Business Attraction,” Arizona Mexico Commission, Financial Legal Services Committee Panel (June 2019)
- Moderator, “Expanding into the Arizona Market,” Arizona Mexico Commission, Cross Border Investment Workshop (June 2019)
- Presenter, “Opportunities for Artists South of the Border: How to Get Started in Mexico?” Arizona Mexico Commission, Arts and Culture Committee (June 2019)
- Presenter, “Ethics Issues in the Use of Key General Indemnity Agreement Provisions,” Surety Claims Institute (June 2019)
- Presenter, “Key Trends Concerning Cross-Border Trade and Investment in the Arizona-Sonora Mega-Region,” Land Economics Society’s (LAI) Sonoran Desert Chapter (February 2019)
- Presenter, “Foreign Judgement,” 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 North West 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)

Memberships

American Bar Association

- Member, Tort Trial and Insurance Practice Section
- Member, Fidelity & Surety Law Committee
- Co-Chair, Fidelity & Surety Law Committee’s International Law Sub-Committee (2019)

Surety Association of Arizona

State Bar of Nevada

State Bar of Arizona

- Member, Construction Law Section

Massachusetts Bar Association

Arizona-Mexico Commission

- Delegate, Financial and Legal Services Committee

Lambda Alpha International

- Vice President, Sonoran Desert Chapter

Community Involvement

Arizona Town Hall

Lawyers Without Borders

- Volunteer

Phoenix Business Journal, Arizona Corporate Excellence Awards

- Volunteer

Foreign Languages

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