

Phil Pemberton

Senior Attorney

Phil Pemberton, LEED AP, brings multiple years of experience working with companies to find creative solutions to solve problems. Phil has represented a variety of construction-industry clients in not only litigation matters but also contract negotiations including drafting complex construction contracts and evaluating immigration risk for construction companies.

Before law school, Phil worked in a project management role in the construction industry in Las Vegas, Nevada. It was during this time that Phil learned how to manage and motivate teams with different backgrounds, skills, and talents to accomplish key goals in sometimes harsh economic environments. This experience taught Phil about some of the key factors that drive companies to make decisions.

After completing law school, Phil returned to the construction industry by working for a large law firm in Kansas practicing in the area of construction law. In this role, Phil advised owners and contractors on how to structure projects to avoid disputes including assisting with the drafting and negotiation of design and construction contracts. But, when disputes did occur, Phil transitioned to working with clients to solve complex construction and design-related problems in the most economical way possible. This dispute resolution would often begin with informal negotiations but sometimes transition to more formal alternative dispute resolution such as mediation or arbitration, or litigation in state or federal court. Additionally, Phil has worked with designers and construction companies to develop global mobility strategies and to address immigration issues such as ICE-directed and company-directed audits of Forms I-9.

Now, in addition to working with owners, designers, and contractors on construction law issues, Phil works with surety companies to develop comprehensive strategies to resolve difficult problems arising from surety contracts and bonds. Phil's work includes not only investigating and resolving surety claims but also representing the surety in subrogation and indemnification matters.

Presentations

- *Surety Financing: An Accounting Nightmare*, Northeast Surety & Fidelity Claims Conference (September 2018)
- *To Finance or Not to Finance: What are the Questions?*, Surety Claims Institute Annual Meeting (June 2018)
- *Developments in Immigration Enforcement*, Denver Seminar (September 2017)
- *Immigration Update*, Lexington Seminar (December 2016)
- *What Every Employer Needs to Know about Immigration*, Kansas City Seminar (October 2015)
- *What Every Employer Needs to Know About Immigration*, Des Moines and Omaha Seminars (June 2015)

Publications

- "The Psychology in Financing a Principal," *For the Defense*, Oct. 2018, at 18.
- "Changes to Immigration Policies Could Impact Contractors," *Constructor Magazine* (July 2017)
- "Trump's Immigration Orders: A Pillar for Future Policy?," *Law360* (February 2017)
- "Does Scalia's Death Change How the Supreme Court Will Decide Obama's Immigration Agenda?," *JD Supra* (March 2016)

Practices, Industries & Services

Construction
Construction Law
Fidelity, Surety & Coverage



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Education

J.D., University of Kansas School of Law, Lawrence, Kansas, 2013
B.S., Brigham Young University, Provo, Utah, 2010, Construction Management

State Bar Licenses

Kansas
District of Columbia
Colorado
Texas