



## JAMES E. ELLSWORTH

*jellsworth@kmclaw.com* | 801.321.4860

### SHAREHOLDER

Mr. Ellsworth is chair of the firm's Construction section and also a member of the firm's litigation section. He has extensive experience in developing foundational construction agreements for domestic and international clients. He represents developers, property owners and contractors through all phases of development and assists clients in land use approvals, construction contracting, environmental regulatory compliance and clean-up, water issues, wetland compliance, liens, bonding, construction disputes and related litigation involving public and private projects.

Mr. Ellsworth has been recognized by his peers as one of Utah's Legal Elite in Construction and is often asked to provide training for construction project managers on the legal issues of development and construction projects.

### EXPERIENCE

Represents developers, owners and contractors in small to multi-million dollar projects and disputes.

Projects include shopping malls, retail, manufacturing, office building, commercial uses, redevelopment projects, highways, as well as residential and other land use and construction.

For over 22 years, Mr. Ellsworth has had experience in a wide range of business litigation, including real property, environmental contamination, construction, development, employment, collections, asbestos, products, contracts, and intellectual property.

Addresses disputes on multi-million dollar private and public construction projects, domestically and internationally.

Provides legal counsel and representation before municipalities and governmental agencies on development and redevelopment projects, such as commercial buildings, public highways, infrastructure and raw land.

Represents clients before governmental agencies in complex environmental clean-up as well as in the courts for litigation among property owners attendant environmental contamination, throughout the United States.

Represents clients in claims and disputes attendant highway and other public construction projects.

Represents clients in claims and disputes for damages to property from fire.

Represents clients in negotiating historic issues and disputes related to land use.

Specific projects include environmental contamination litigation in New York, strip mall construction stucco dispute in California, shingle and roofing disputes throughout the United States and Canada, asphalt and parking lot defects, consultation for national and international developer on construction and product warranties as well as solar power and other LEED certification items, geotechnical and other site and project testing contracts for domestic and international use, damage claims for contractors failed site protection, contractor fraud under construction contract, misapplication of contract funds, payment and performance bond claims in the United States and Canada, subcontractor claims, defective work claims, adverse possession claims, claims of governmental entity to establish public road, insurance and contractor disputes for destruction of property by fire, residential construction and development claims, successful litigation and settlement of carpet related defects in over 120 buildings, as well as defending claims of injuries to persons and property on construction sites and personal injury from asbestos exposure.

Participated in the creation of owner-focused construction contract forms, including agreement forms with General Contractors, Architects and Consultants.

Provides training for construction project management teams on the legal issues attendant construction projects.

Served as a judge in law student oral advocacy competitions at the J. Reuben Clark Law School at the Brigham Young University.

### PRACTICE AREAS

CONSTRUCTION  
LITIGATION

CONSTRUCTION, SURETY  
& DESIGN  
PROFESSIONALS

ENVIRONMENTAL  
LITIGATION

ENVIRONMENTAL  
REGULATION AND  
LICENSING

GOVERNMENT FINANCING

LITIGATION, TRIALS &  
APPEALS

PROJECT DEVELOPMENT  
AND AGREEMENTS

REAL ESTATE

WATER DISPUTES

WATER RIGHTS

# JAMES E. ELLSWORTH

## EDUCATION

Brigham Young University, J. Reuben Clark Law School, J.D., 1989

Articles Editor, BYU Law Review

Law Clerk to Judge Moody R. Tidwell, III, of the United States Claims Court in Washington, D.C.

Brigham Young University, B.A., International Relations, 1986

In-depth study of Finland and the Finnish language while pursuing Bachelor of Arts Degree in International Relations at Brigham Young University  
Educational travels in Western Europe and the British Isles, including a six-month residency in London, England.

## HONORS & AWARDS

*Utah Legal Elite*: Business Litigation

## REPRESENTATIVE CLIENTS

A Proctor Group, Ltd., headquartered in Scotland.	Smile, Inc. Dental Surgeons, Singapore.	Ralph L. Wadsworth Construction Co.
Atlas Copco North America and related companies.	The State Grid Corporation of China.	City Creek Reserves Inc.
Milwaukee Electric Tool Company.	The Hershey Company.	Suburban Land Reserve, Inc.
Fairstar Resources, Australia.	The Ensign-Bickford Company.	Property Reserve Inc.
Tuskatella Shopping Center, Orange, California.	Sorenson Companies. MSI Inc. and related entities.	Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints.
		Hilltop Ventures, LLC.

## ADMISSIONS & AFFILIATIONS

*Bar Admissions*: Utah, 1989

District of Columbia Bar, 1990

*Other Admissions*: Utah Supreme Court

Salt Lake County Bar

United States Court of Appeals for the Tenth Circuit, 1989

United States Court of Federal Claims, 1990

United States District Court for the District of Utah, 1989

United States District Court for the District of Columbia, 1990

All Utah State Courts, 1989

All District of Columbia Courts, 1990

*Affiliations*: Member, Utah State Bar, Construction Law, Real Property, and Litigation sections

Phi Delta Phi Law Fraternity