



AAA Mediation.org™

**FN-2893473 MN-2893473 LN-2893473,
Esq.**

Austin, Texas

Current Employer-Title Andrews Myers P.C. - Shareholder

Profession Attorney

Work History Shareholder, Andrews Myers P.C., 2016 – Present; Attorney, Ford Nassen & Baldwin P.C., 2004 – 2015; Attorney, Lloyd Gosselink Blevins Rochelle Baldwin & Townsend P.C., 2004.

Experience Board certified in Construction Law by the Texas Board of Legal Specialization. Maintains an active law practice that exclusively involves representing construction industry participants in both contentious and non-contentious. As an advocate, has represented owners, developers, architects, engineers, general contractors, and subcontractors/suppliers. Holds experience at the local, state, national, and international levels. Disputes at issue have involved payment claims, termination claims, design/construction defects, delay and acceleration claims, lien and bond claims, administrative actions, suspension/debarment proceedings, surety/indemnity claims, and procurement-related claims and bid protests. Drafted and negotiated a variety of construction contracts, including prime contracts, EPC agreements, lender and guaranty agreements, subcontracts, purchase contracts, and professional service agreements. Matters have ranged in value from a few thousand dollars to over \$100,000,000. Projects at issue have involved those in the building, civil infrastructure, industrial, and governmental sectors, including single family residences, multi-family and mixed use projects, hospitality projects (e.g., motels and hotels), warehouses, medical facilities and hospitals, educational projects (e.g., public and private schools and universities), parks and golf courses, athletic facilities (e.g., stadiums, natatoriums, tracks, and fields), highways, roads, streets, and bridges, airports, utilities (e.g., water and wastewater distribution/conveyance facilities, electrical distribution/transmission facilities, telecommunications), military bases, and chemical and petrochemical projects.

Chair of the City of Austin Construction Advisory Committee, a citizen advisory board that coordinates with the Public Works Department and advises the city on construction-related matters, having served as a member since 2012.

Mediator Experience Is an actively practicing construction attorney, mediator, and arbitrator. Mediated cases since 2010, generally in connection with construction-related disputes. However has also mediated cases involving personal injury claims, real estate issues, and attorneys' fee disputes. Is a credentialed mediator with the Texas Mediator Credentialing Association and a registered mediator with numerous district courts across Texas.

Representative Issues Handled as a Mediator The construction-related matters and cases have generally involved payment disputes, defective and deficient work, termination, delays, scope of work issues, and/or lien and bond claims. Mediated cases across a variety of construction sectors, including the civil/heavy-highway, industrial, power, commercial, and residential sectors. Disputes have varied in complexity, some requiring creative solutions. Has experience with pre-litigation or arbitration mediations, as well as mediations occurring after claims and defenses have been more fully developed.

Mediator Style & Process Preferences	Understands and appreciates the need for litigation or arbitration in certain cases. However, fully subscribes to the idea that mediation generally offers a more efficient, less expensive, and less risky process for the resolution of disputes. Views control of the outcome, in a confidential setting, as the primary benefit of mediation, though cost savings, avoidance of an otherwise necessary significant investment of time, energy, and resources, and preservation of relationships are also key. Generally an evaluative mediator given experience in construction law, though includes facilitative aspects of mediation as appropriate. Has the view that even in matters where complete resolution is not achievable, there may be--and often are--opportunities to establish a more efficient structure and process for moving forward.
Education	University of Texas School of Law (JD - 2003); Texas Tech University (BA - 2001).
Professional Licenses	Admitted to the Bar: Texas (2004), Oklahoma (2016); U.S. District Court: District of Colorado, Northern, Southern, Eastern and Western District of Texas; U.S. Court of Appeals: Fifth and Tenth Circuit; U.S. Supreme Court.
Professional Associations	American Bar Association (Forum on Construction Law, Section of Litigation); State Bar of Texas (Construction Law Section, Alternative Dispute Resolution Section); Austin Bar Association (Construction Law Section, Alternative Dispute Resolution Section); Oklahoma Bar Association (Alternative Dispute Resolution Section); Chartered Institute of Arbitrators; Texas Mediator Credentialing Association; Construction Lawyers Society of America; Texas Bar Foundation; Texas Bar College; Texas Board of Legal Specialization (Construction Law Exam Commission); Dispute Resolution Board Foundation
Recent Publications & Speaking Engagements	<p>Legal Publications</p> <p>The Law, Fairness, and Contracts, Dispute Resolution J. (2020); Maximizing the Benefits of Arbitration, Okla. Bar J. (2020); ConsensusDocs: A Worthwhile Option for Standard Construction Contracts in Texas, Constr. L.J. (2019); The Availability of Views and the Potential for Greater Use in Construction Cases, Constr. L.J. (2018); Increased Use of Bifurcation in Construction Cases Involving Derivative Claims, Constr. Lawyer (2013); The Demise of the Civil Claim for Misapplication of Trust Funds, Constr. L.J. (2012); Asserting Claims Against Design Professionals on Behalf of the Contractor, Constr. L.J. (2009); Constitutional Concerns with the TxDOT Sanctioning Process, Tex. Tech Admin. L.J. (2008); Construction Checklists (International Dispute Resolution Clauses), Am. Bar Ass'n (2008); Comparative Contract Fault: Using the AIA Documents to Apportion Contract Damages, Constr. Lawyer (2006); Adoption of the Implied Warranty of Good and Workmanlike Performance, Constr. L.J. (2006); Reforming the Application of Article 2 of the UCC in Construction Transactions, Constr. L.J. (2005)</p> <p>Select Speaking Engagements</p> <p>COVID-19: The Project Plague, Texas Crane Ass'n (2020); Texas Lien and Bond Claims, AGC (Austin) (2019); Contractor Defaults, Surety Ass'n of S. Tex. (2019); Addressing New Challenges to Contractual Limits of Liability in Arbitration, AGC (Tex. Building Branch) (2019); Key Contract Clauses in Construction, ACEA (2019); Advocacy Outside the Courtroom: Arbitration, Univ. of Tex. (2019); Basic Course in Texas Construction Law: Mediation/Arbitration, Constr. Law Found. of Tex. (2018); Reflections on the Ternary Arbitral Decision Making Model, Austin Bar Ass'n (2018); Dispute Resolution Process and Issues (CE 395 – Project Controls), Univ. of Tex. (2018); Understanding the AIA Contract Form Updates, AGC (W. Tex.) (2018); Project 101 – Contracts and Bonds (Symposium), ACEA (2018); AIA Contract Form Updates, AGC (San Antonio) (2018); Understanding and Managing Contractual Risk, ACEA (2018); 2017 Revisions to the A201 General Conditions, San Antonio Bar Ass'n (2018); 2017 Legislative Update, AGC (Austin) (2017); Dispute Resolution Process and Issues (CE 395 – Project Controls), Univ. of Tex. (2017); Proactive and Reactive Approaches to Minimize the Cost of Defaults, Surety Ass'n of S. Tex. (2017); Limitations of Liability, Constr. Law Found. of Tex. (2017); Texas Lien and Bond Claims, AGC (Austin) (2017); Basic Course in Texas Construction Law: Contract Termination, Constr. Law Foundation of Tex. (2015); Navigating the Pitfalls in a Texas Defamation Case, Austin Bar Ass'n (2015); Factoring, Contract Scope, and Cyber Liability Issues, Ford Nassen (2014); Texas Lien Law, CFMA (Central Tex.) (2014); Securing Removal of a Lien Claim, Lorman (2014); Construction Lien Law in Texas, Lorman (2013); The Demise of the Civil Claim for Misapplication of Trust Funds, Austin Bar Ass'n (2012).</p>
Locations Where Parties	See Compensation section. No travel time will be charged, although travel-related costs are subject to reimbursement.

**Will Not be Charged for
Travel Expenses**

Mediation Rate	\$3,900 Per Day
Languages	English
Citizenship	United States of America
Locale	Austin, TX

The AAA’s Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA’s Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator’s resume. If you have any questions about a mediator’s experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.