

## Construction

**Whether you're navigating a compliance maze or resolving a construction dispute, our attorneys know how to get things done and move projects forward rather than put up roadblocks along the way.**

Kane Russell Coleman Logan has decades of experience representing construction industry clients in both transactional matters and in disputes, including critical bet-the-company trials and arbitrations.

Our practice group empowers industry professionals to rely on a single, one-stop law firm to manage all phases of a construction project, from project funding, land development and contract negotiation to the resolution of all types of construction disputes, arbitrations, or lawsuits.

Our clients depend on our industry knowledge and breadth of experience. Clients include:

- Owners and developers
- General contractors
- Subcontractors
- Suppliers/Vendors
- Product manufacturers
- Design professionals
- Lenders
- Insurance companies/sureties

### **Comprehensive Construction Transaction Services**

On the transactional side, we provide one-stop, pragmatic, and cost-efficient legal assistance in construction industry transactions from project funding, land development, and contract negotiation to corporate formation and governance, tax issues, protection of intellectual property rights, bankruptcy/insolvency, immigration issues, and much more. The breadth our firm allows us to bring highly experienced attorneys from any discipline into a construction-related transaction.

KRCL represents both small, family-owned businesses to some of the largest contractors, owners, and developers in the country. Among our special areas of focus are multi-family, commercial, retail, hotel/hospitality, and residential development projects, including some of the leading projects in Texas and beyond. Many clients also turn to us for our robust OSHA practice, which includes compliance issues, safety measures, inspections, accident investigations, and contesting OSHA citations – every area where OSHA compliance and potential problems may be involved. We are one of the few firms with a focused OSHA practice for the construction industry.

Other compliance areas with which we regularly assist clients include immigration compliance and audits and Fair Housing Act and ADA compliance.

## Construction Industry Disputes

One of the hallmarks of our construction practice is knowing how to set you up for success with well-executed transactions. When conflicts do occur, we will always try to resolve them outside the courtroom when possible. For example, among the recent settlements we have achieved for clients are:

- Settlements for home builders and general contractors in cases ranging from \$200,000 to \$20,000,000
- Settlements for a subcontractors and construction-related product manufactures in cases ranging from \$150,000 to \$15,000,000
- Settlements for subcontractors and general contractors on their claims for compensation ranging from \$50,000 to more than \$3,000,000

However, when a trial or arbitration becomes necessary, our successes for construction industry clients are well known. Unlike many firms that may devote excessive time and resources to discovery, we actually try cases in courtrooms and, increasingly, in arbitration forums.

Our attorneys have the experience to guide clients through trials and arbitrations regarding such issues as:

- Claim administration
- Contract litigation in state/federal courts and arbitration
- Construction and design defect litigation
- Lien, bond, and payment disputes
- Acceleration claims
- Presentation of material events of default and project termination
- Delay and impact claims
- Warranty disputes
- Product defects
- Jobsite injury and wrongful death claims
- Large loss subrogation recoveries
- Wage/hour claims
- Bankruptcy and insolvency

Our attorneys are actively involved in top industry groups, including, but not limited to:

- TEXO, the construction industry trade association
- The Commercial Real Estate Women (CREW) Network
- Associated Builders and Contractors (ABC) of Texas and Greater Houston
- Greater Houston Builders Association
- Claims and Litigation Management Alliance (CLM)
- Defense Research Institute (DRI)
- National Association of Safety Professionals (NASP)

As part of providing a full spectrum of services to the industry, our team builds on advice and solutions by working in conjunction with the following practice groups:

- Bankruptcy, Insolvency and Creditor's Rights
- Business and Corporate
- Labor & Employment
- Environmental
- Intellectual Property

- Manufacturing
- OSHA
- Real Estate
- Retail, Restaurant & Hospitality
- Tax
- Railroad & Transportation

## Related Attorneys

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Kenneth W. Biermacher  
Jerrad D. Bloome  
Logan R. Burke  
Karen A. Cox  
Bruce M. Flowers  
Darrell R. Greer  
Brian N. Hail  
Roland G. Hamilton  
Richard L. Hathaway  
Heather Kabele  
Michael A. Logan  
Jeff Novel  
Christopher C. Pappas  
Marcy L. Rothman  
Gordon B. Russell  
Andrew J. Sarne  
Forrest M. Smith III  
Brian M. Stork  
David R. Thrasher  
Daniel Ferris  
Kiara Gradney  
Leslie McKee  
Riley G. Milligan  
Sara A. Reams

## Experience

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The following are recent, representative construction-related transactional and litigation matters:

- Performed extensive contract drafting for a national developer regarding commercial, multi-family, and retail projects throughout the country.
- Represented a minority-owned highway and bridge specialty subcontractor as general corporate counsel in contract negotiations and prosecution/defense of litigation.
- Defended a subcontractor and its principal against seven-figure claims asserted by a surety regarding several municipal projects.
- Represented a leading multi-family developer, as ranked by National Multi-Family Housing Council (NMHC), in obtaining financing for, developing, and managing the construction of several apartment complexes in Texas.
- On behalf of a national fitness retailer, prosecuted fraud claims against a general contractor regarding the development and construction of several facilities.
- Represented a leading construction materials producer in a payment and construction defect dispute with a general contractor related to the construction of two out-of-state plants.

- Represented a commercial general contractor regarding a contract dispute and enforcement of a mechanic's lien in a bet-the-company case.

## Insights

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- Kane Russell Coleman Logan Included in the 2024 Best Law Firms® List
- Subsequent Homeowners Bound by Arbitration Agreement
- Five Steps General Contractors Can Take to Mitigate Against The Dangers of "No Damage for Delay Clauses"
- Kane Russell Coleman Logan Included in 2023 U.S. News – Best Lawyers® “Best Law Firms” List
- OSHA's Approach to Regulating Heat Hazards in the Workplace
- New Texas Law - Posting of Certain Information at Commercial Building Construction Site Required
- Attorney's Fees Now Recoverable Against LLC's and Partnerships in Texas Breach of Contract Cases
- The Best-Laid Plans of Mice and Men – Texas Senate Bill 219
- Waiver of Subrogation Provisions in Construction Contracts - Part Two
- Waiver of Subrogation Provisions in Construction Contracts - Part One
- The Supreme Court Narrows Scope of Chapter 95 Protections for Property Owners
- Effective Mediation Techniques for Complex Cases - Part Two
- Revising Construction AIA Contracts and Effective Risk Transfer: Waivers of Subrogation and Builder's Risk Policies
- Certain Project Completion Incentives May Not be Covered Under ERISA
- Effective Mediation Techniques for Complex Cases - Part One
- Rolling Brownouts and ERCOT
- How do Original Contractors Perfect a Mechanic's Lien?
- Series on Texas Mechanic's Liens on Commercial/Non-Residential Projects - Post One - Introduction
- Looking Towards 2021 in the Construction Industry
- Be Prepared When Accidents Strike
- OSHRC Provides Clarification For Employers In Machine Guarding Case
- Including Non-Signatory Subcontractors in Arbitration Clauses in Construction Contracts
- Subrogation Claims and Arbitration Clauses in Construction Contracts
- Recent Legislative Changes to the Certificate of Merit Requirements in Texas
- Certificate of Merit Requirements in Texas
- Residential Construction Defect Case Law Update: Homeowners Not Entitled to Attorney and Expert Fees
- Subrogation Claims and Arbitration Clauses in Construction Contracts
- COVID-19 Guidance for the Construction Industry in Harris County
- OSHA Law: Protecting Your Employees and Your Company from Employee Misconduct
- OSHA's New Construction Webpage Provides Specific Guidance for Employers in the Construction Industry
- The Handshake Agreement Should be a Thing of the Past...
- Coverage for Business Losses – Property Damage No Longer Required?
- Three Factors to Consider When Including a Liquidated Damages Clause in Your Texas Construction Contract
- Executive Order GA 14 - Summary for Construction Services
- Construction Industry Alert – Summary of the Dallas County Amended Shelter-in-Place Order
- Impacts on the Construction Industry from Texas' 86th Legislative Session (Part 3 of 3)
- Impacts on the Construction Industry from Texas' 86th Legislative Session (Part 2 of 3)
- Impacts on the Construction Industry from Texas' 86th Legislative Session (Part 1 of 3)

- “Rip-and-Tear Damages” In Construction: A Roadmap For Coverage Where None Existed?
- Article: "Risk Transfer in Construction: Subrogation, Indemnity and Additional Insured Provisions"
- Impacts on the Construction Industry from Texas' 85th Legislative Session
- LITIGATION ALERT: Spoliation of Evidence in Construction Litigation in Texas
- LITIGATION ALERT: Insurance Coverage for Construction Defects
- LITIGATION ALERT: New Texas Construction Anti-Indemnity Statute Took Effect January 1, 2012
- LITIGATION ALERT: CONTRACTUAL RISK SHIFTING: COMMERCIAL CONSTRUCTION
- LITIGATION ALERT: INDEMNITY IN RESIDENTIAL CONSTRUCTION LITIGATION IN TEXAS: Let the Games Begin!
- LITIGATION ALERT: Closing the Door on Indefinite Liability in the Construction Industry in Texas
- LITIGATION ALERT: The Death of the Texas Residential Construction Commission Act and the Texas Residential Construction Commission