

Kathryn "Katy" Baird

Senior Counsel

PRACTICE EMPHASIS:

Construction; Litigation

EDUCATION:

J.D., University of Houston Law Center, 2014
Order of the Barristers, Mock Trial Team
M.B.A., University of Houston, 2014
B.B.A., University of Texas at Austin, 2011

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Southern and Western Districts of Texas



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Profile:

Katy's practice focuses on advocating for general contractors, subcontractors, suppliers and owners on a variety of construction related issues including: construction defects, contract termination, mechanic's liens, performance and payment bonds, breach of contract disputes, and collections matters through litigation and alternative dispute resolution. Katy also uses her Masters of Business Administration to provide her clients with company specific legal support and litigation/dispute strategies that strive to further each of her clients' business/fiscal goals.

Professional Recognition:

Recognized in Top 100 Verdicts in Texas, Best of the Bar™, 2020
The Best Lawyers in Texas® by Woodward/White Inc. "Ones to Watch" in Commercial Litigation, Litigation – Construction, and Litigation – Real Estate; Since 2021
The Best Lawyers in America® by Woodward/White Inc. "Ones to Watch" Texas Edition in Commercial Litigation, Litigation – Construction, and Litigation – Real Estate; 2021
Houston's Top Lawyers – Construction, *Houstonia Magazine*, 2022
"Texas Rising Star," as Presented by Super Lawyers, a Thomson & Reuters Business, Texas Monthly, 2021
Recognized in Top 100 Settlements in Texas in All Practice Areas, by Top Verdict online publication, 2017

Affiliations:

State Bar of Texas, Construction Law Section
Houston Bar Association, Construction Law Section
American Bar Association, Forum on the Construction Industry
Houston Young Lawyers Association
Associated Builders and Contractors Greater Houston (LOGIC Women's Committee)

Representative Experience:

- Obtained a seven-figure award, in addition to the recovery of all attorneys' fees, while serving as second-chair in a multi-week arbitration representing a general contractor in a dispute against an Owner of a large multi-family complex in Houston, Texas
- Tried case to jury, as second chair, and won a six-figure judgment on behalf of the general contractor to obtain the completion/ supplementation costs incurred as a result of subcontractor's failure to perform on a university system project – Awarded Top 100 Verdict in Texas for 2020

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Representative Experience Cont'd

- Participated as lead associate in M&G Bankruptcy resulting in a multi-year effort to obtain payment on behalf of 17 subcontractors who provided labor and/or materials to the M&G Chemical Plant in Corpus Christi, Texas. To date our clients have collectively achieved payment of over \$62 million while the plant was being sold during bankruptcy proceedings
- Served as first-chair in a bench trial regarding a payment bond dispute where the Court asked for mediation prior to ruling in favor of directed verdict for my subcontractor client. A favorable outcome was obtained prior to final ruling
- Performed as first-chair in a jury trial on behalf of a general contractor relating to a breach of contract dispute against a subcontractor
- Lead a multi-party six-figure settlement for a payment dispute over a restaurant build-out on behalf of the general contractor and secured third-party landlord-tenant funds, in addition to Owner pay-outs, to achieve payment of over 88% of client's claim
- Drafted master subcontract agreements/ service agreements for general contractors and subcontractors
- Negotiated assignment agreement to directly pursue payment for emergency work provided to City of Houston (where the general contractor failed to maintain a bond on the project) and successfully collected over \$600,000.00 for client supplying materials to the project
- Collected over \$800,000.00 in lien dispute on behalf of subcontractor on a large hotel remodel in Austin, Texas
- Recognized in "Top 100 Settlements of 2017" for successful representation of a Houston-based supplier in breach of contract, breach of fiduciary duties, unjust enrichment and Quantum Meruit claims against a Texas-based structural steel fabricator
- Successfully represented general contractor against a subcontractor in arbitration by obtaining full award and attorneys' fees for subcontractor's failure to perform (second chair)
- Negotiated contract value plus interest in breach of contract dispute on behalf of a general contractor against a school district
- Obtained favorable verdict on behalf of subcontractor client against owner regarding claims for quantum meruit resulting in a full recovery of damages and attorneys' fees (second chair)
- Mediated on behalf of general contractor in a residential construction defect suit favorably taking damages to a zero-sum and preventing potential bankruptcy
- Achieved summary judgment over \$400,000.00 in collections dispute for breach of personal guaranty
- Represented general contractor in construction defect disputes regarding multi-family projects
- Ongoing representation of general contractor and subcontractor clients on a variety of different matters including breach of contract claims, settlement negotiations, lien removal and debt collections

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Speeches and Publications:

- "2021 Legislative Changes to Texas Lien Law," NACM Presentation, October 2021
- "Texas Collection Tools for Contingent Payment Clauses," NACM Webinar, July 2021
- "Texas Lien & Bond Claims," NACM Webinar, October 2020
- "Weary of Payment Waivers? Tips to Set Your Texas Payment Claim Up for Success," NACM Presentation, April 2020
- "Filing a Lien? Don't Delay – Record Lien Filings Anticipated this Month," AM Law Alert, April 2020
- "Mechanic's Liens in the Time of Corona," AM Law Alert, March 2020
- "Beware Quick Offers to Repair (Construction Defects)," AM Monthly Law Alert, March 2019
- "Contracting for the Surety to have a Seat at the Table in Arbitration," AM Monthly Law Alert, October 2018
- "Strategies for Initial Phases of a Dispute," ABC Young Leaders Panelist, June 2018
- "Keep Your Exemption from Personal Liability Intact by Staying Current on Your Franchise Taxes," AM Monthly Law Alert, March 2018
- "Time is Running Out! Limitations May Start Prior to Projects Substantial Completion," AM Monthly Law Alert, February 2017
- "Latest Texas School Bonds Worth \$2.7 Billion," *ASA Subscript*, December 2016