

Andrew S. "Andy" Harris

Shareholder

PRACTICE EMPHASIS:

Construction; Litigation; Commercial Real Estate

EDUCATION:

J.D., *magna cum laude*, Stetson University College of Law, 2013
Stetson Law Review, Moot Court Board, Honors Program,
National Champion – 63rd Annual Moot Court Competition
B.A., University of Connecticut, 2003
Varsity Baseball, Scholar Athlete

ADMITTED:

State Bar of Texas
State Bar of Florida

COURT ADMISSIONS:

U.S. District Court, Western District of Texas



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Profile:

An Austin-based litigator within the firm's construction law practice group, Andy's practice focuses on advocating for general contractors, subcontractors, suppliers, sureties, and owners on a variety of construction related issues including contract disputes, payment disputes, performance and delay claims, construction or design defect claims, lien claims, bond claims, and termination issues. He represents clients in all segments of private construction, including retail, industrial, multi-family, medical, office, hotels, and energy facilities. Andy also represents clients on public projects, such as highways, schools, hospitals, military installations, public works facilities, and universities.

Board Certified in Construction Law by the Texas Board of Legal Specialization, Andy Harris handles contract drafting and negotiations, with experience negotiating prime contracts, subcontracts, lender agreements, residential contracts, and purchase agreements. Andy has experience resolving matters for clients through negotiation, litigation, mediation, and arbitration in state courts, federal courts, private or administered arbitrations, federal claims proceedings, and administrative hearings.

A seasoned, first-chair trial lawyer, Andy's legal acumen is complemented by previous field experience with a general contractor, where he managed numerous projects throughout the Midwest and Texas.

Andy is also the co-founder and a current board member of RBI Austin, a 501(c)(3) which supports nearly 1,400 at-risk children and teens in East Austin athletically, academically and spiritually.

Professional Recognition:

Construction Law, Texas Board of Legal Specialization
The Best Lawyers in America® 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

Affiliations:

State Bar of Texas - Construction Law Section; Young Construction Law Representative and Committee Chairperson, 2020-2022
Austin Bar Association - Construction Law Section (Board Member 2017 – 2018); Leadership Academy, 2015

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Affiliations (Cont'd)

RBI Austin – Board of Advisors
Austin Young Lawyers Association
Associated Builders and Contractors – Central Texas Chapter (2018 Membership Committee Chair)
The Associated General Contractors of America – Austin Chapter
AGC Construction Leadership Council
Greater Austin Contractors & Engineers Association
American Bar Association – Forum on the Construction Industry
Central Texas Future Leadership Council
Construction Financial Management Association
Real Estate Council of Austin

Representative Experience:

- Assisted in the representation of owner, general contractor and subcontractor clients on a variety of different matters including breach of contract claims, settlement negotiations, lien removal, and debt collections
- First-chair trial experience in real property litigation, including landlord-tenant issues and contested property divisions
- Obtained summary take nothing judgment on behalf of general contractor client in lawsuit over payment dispute
- Resolved payment lawsuit by a pool subcontractor against general contractor in which client successfully paid nothing to defaulting subcontractor
- Represented national lending institutions by successfully litigating numerous foreclosure actions against defaulting borrowers
- Favorably resolved a lawsuit alleging client violated a non-compete clause
- Represented various clients by drafting and negotiating lease documents and supporting addendums
- Successfully recovered payment for design work performed by client in construction of medical facilities
- Defended out-of-state builder against improper permitting and defects claims on new construction
- Negotiated favorable construction timeline for client to ensure smooth occupancy transition for business
- Successfully terminated commercial lease for business owner and landlord when tenant violated city and county code and lease terms
- Favorable resolved payment dispute for works performed by subcontractor in large commercial development
- Advised multiple national highway contractors on Texas road projects and TxDot issues
- Successfully litigated \$23MM in defect and delay claims against subcontractor on high-rise construction project
- Favorably resolved defect and improper lien claims against contractor on behalf of national hotel owner
- Defended and resolved construction defect claims against general contractor client related to work on a large commercial airport project
- Obtained payment for various subcontractors and suppliers pursuing lien claims and payment claims on projects throughout Texas
- Successfully recovered payment for contractor client in a lawsuit related to a ground up commercial project
- Successfully resolved arbitration proceeding related to payment dispute between contractor and subcontractor on a 6,000-acre solar installation

Speeches and Publications:

"New Changes in LLC Litigation and Recovery of Legal Fees," AM Monthly Law Alert, July 2021
"Basic Course in Construction Law," State Bar of Texas Construction Law Section, December 2020

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Speeches and Publications (Cont'd)

"Is it Finally Time for Lien Law Reform?" AM Monthly Law Alert, September 2020

"CISA Updates Guidance on Essential Construction Work," AM Law Alert, April 2020

(Contributing Author) Recent Court Opinions Concerning Construction Law, *The Change Order*, State Bar of Texas Construction Law Section, March 2020

"What the Heck? Contingent Payment Enforceability," State Bar of Texas Construction Law Section, Construction Law Conference, March 2020

"The Future is Smart Contracts," AM Monthly Law Alert, February 2020

"Legislative Update 2019," American Society of Heating, Refrigerating and A/C Engineers, December 2019

"Heard 'a Purdah? Witness Communication in Arbitration," AM Monthly Law Alert, November 2019

"Killer Contract Clauses," CFMA Lone Star Conference, September 2019

"Contractor Defaults: Observations on the Construction Industry" Surety Association of South Texas, July 2019

"Performance of Public Contracts," AGC of Texas Prime Time Curriculum, April 2019

(Contributing Author) Recent Court Opinions Concerning Construction Law, *The Change Order*, State Bar of Texas Construction Law Section, March 2019

"An Introduction to Texas Construction Law," State Bar of Texas Construction Law Section, Basic Course in Construction Law, December 2018

"Rethinking Arbitration Clauses in Condo Construction," Andrews Myers Monthly Law Alert, September 2018

"Can I Say That? Defamation and Tortious Interferences Issues for Attorneys," (co-author), State Bar of Texas Construction Law Conference, March 2018

"Legislative Update 2017," American Society of Heating, Refrigerating and Air-Conditioning Engineers, 2017

"Be Careful Out There: Bad Trends in Oilfield MSA Indemnity Clauses," (Co-Author), AM Monthly Law Alert, November 2017

"Keeping Austin 'Solar Friendly'," AM Monthly Law Alert, April 2017

"New Austin Regulations on Employment Applications," Andrews Myers Monthly Law Alert, October 2016

"Austin Imposes New Construction Recycling Ban," Andrews Myers Monthly Law Alert, August 2016

"Enforceability of Contractual Liquidated Damages Penalties," Andrews Myers Monthly Law Alert, July 2016

"Enforceability of Contractual Fines/Penalties for Subcontractor Safety Violations," (Co-Author), Mechanical Contractors Association of America, *Management Methods Manual*, 2016