

Poston E. Pritchett

Associate

PRACTICE EMPHASIS:

Construction; Labor and Employment; Litigation

EDUCATION:

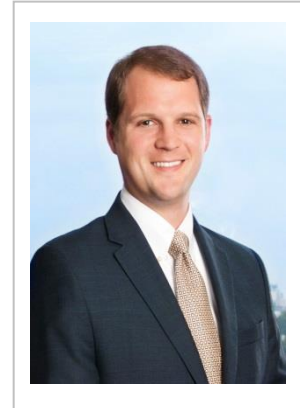
J.D., University of Houston Law Center, 2013
Houston Business & Tax Law Journal, Notes
and Comments Editor
B.A., The University of Texas at Austin, 2007
Captain, Men's Swimming and Diving Team
President, Student-Athlete Advisory Council

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Southern District of Texas



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Profile:

Poston's practice focuses on construction law, alternative dispute resolution and labor and employment matters. He represents general contractors, subcontractors, and small and mid-sized companies in a variety of construction and employment related disputes as well as providing guidance in their labor and employment issues.

During law school, Poston clerked for The Honorable Molly Francis in the Court of Appeals for the Fifth District of Texas at Dallas. During college, Poston was captain of the University of Texas Men's Swimming and Diving Team and President of the Student-Athlete Advisory Council.

Representative Experience:

- Served as second chair in two-day jury trial in federal court representing Chinese manufacturer of oil and gas materials in claim against American distributor for non-payment, resulting in judgement in favor of client for \$950,000.00. Conducted *voir dire*, opening statement, and closing argument during trial.
- Served as second chair in four-day jury trial in state district court, representing steel manufacturer and steel erector, resulting in verdict in favor of client. Conducted opening statement and cross-examination of professional engineer.
- Defended general contractor from payment claim by subcontractor in single day mediation/arbitration resulting in settlement of claim for no money.
- Prepare Master Service Agreements and related contract documents for contractors and subcontractors.
- Represented Tennessee industrial company in concerted activity investigation by the National Labor Review Board resulting in a finding of no violation.
- Successfully defended municipal entity in responding to overbroad and harassing public records request.
- Successfully obtained temporary restraining order against employee in breach of non-competition agreement on behalf of U.S. subsidiary of international pipeline producer ultimately resulting in favorable settlement for client.
- Represented lumber supplier in collection action resulting in full payment of actual damages over \$650,000.

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Representative Experience (Cont'd)

- Represented North Carolina subcontractor with the defense and prosecution of multi-party litigation in two states arising out of the renovation of an industrial facility in Harris County and successfully negotiated resolution of all claims post-mediation and prior to trial.
- Defended special events center from claim by general contractor for unpaid and unauthorized change orders resulting in a favorable mediated settlement for the client.
- Successfully represented concrete paving subcontractor in claim against supplier of defective concrete to recover damages assessed by owner and general contractor resulting in favorable settlement for client at mediation.
- Negotiate construction agreements on behalf of contractors and subcontractors.
- Assist in development of Employee Handbook for industrial electrical contractor.
- Successfully argued Motion for Summary Judgment in State District Court on behalf of construction material supplier on a lien foreclosure action pursuant to Chapter 53 of the Texas Property Code resulting in foreclosure of the property at issue and recovery of all attorney's fees.

Professional Recognition:

- Recognized in Top 100 Verdicts in Texas in 2016

Speeches and Publications:

"Government Contracts Subject to Greater Scrutiny," AM Monthly Law Alert, January 2017

"Another Route to Sue Cities for Breach of Contract," AM Monthly Law Alert, May 2016

"Want prompt pay? Monthly Invoicing is Key," AM Monthly Law Alert, February 2016

"OSHA Still on Track to Double Fine Amounts," AM Monthly Law Alert, February 2016

"Change Orders vs. Construction Change Directives: The Devil is in the Details," The Construction Lawyer, Journal of the ABA Forum on Construction Law (Co-Author), Volume 36, Number 1, Winter 2016

"General Contractors are 'Innocent Sellers' Entitled to Indemnity from Manufacturers/Suppliers?" AM Monthly Law Alert, November 2015

"There's No Crying in Baseball, or is There: Fairness Exceptions in Construction Contracts," State Bar of Texas Construction Law Conference (Co-Author), March 2015

Affiliations:

Houston Bar Association, Construction Law Section, Labor and Employment Section
State Bar of Texas

Houston Young Lawyer's Association

The Association of General Contractors of America, Houston Chapter

Volunteer Vice-Chair for USA Swimming Special Panels for Membership Appeals