

## Timothy C. "Tim" Ross

### Shareholder

#### PRACTICE EMPHASIS:

Construction law; litigation; arbitration and mediation

#### EDUCATION:

J.D., South Texas College of Law, 2006  
B.S. Construction Science, Texas A&M University, 2001

#### ADMITTED:

State Bar of Texas

#### COURT ADMISSIONS:

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



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### Profile:

Board Certified in Construction Law by the Texas Board of Legal Specialization, Tim Ross has spent the last 15 years forging a practice focused on all aspects of construction law. He works with clients in all phases of the construction process including contract drafting and negotiation, dispute avoidance during construction, field management and administration, project close-out and dispute resolution. Tim has extensive experience litigating construction disputes, obtaining numerous favorable jury verdicts and arbitration awards. He has also handled multiple construction appeals.

Tim serves as the outside general counsel for numerous contractors, assisting them in managing their risk profile and handling all types of issues and disputes, including claims involving construction and design defects, delays and acceleration, non-payment, lien and bond claims, sovereign immunity, and contract termination. Tim also has extensive experience drafting and negotiating all types of project agreements including design, construction management, design-build, EPC, development, subcontract, purchase order and various other agreements for commercial, industrial, multi-family, civil and EPC projects.

Tim's legal acumen is complemented by field experience with a large commercial general contractor, where he managed numerous projects as a construction project engineer prior to attending law school. This distinctive combination allows him insight into the nuts and bolts of issues that arise before, during and after a project, and the intrinsic capability to support the project community – including general contractors, subcontractors, owners, developers and sureties – in all aspects of construction.

Tim has been recognized as a leading construction lawyer in the state by the prestigious legal directory, *Chambers USA, America's Leading Lawyers for Business*, since 2020.

### Professional Recognition:

Construction Law, Texas Board of Legal Specialization  
The Best Lawyers in America® (Litigation – Construction) by Woodward/White Inc., 2022  
"Texas Super Lawyer," *Texas Monthly*, 2019 – Present  
"Texas Rising Star," *Texas Monthly*, (2013 - 2018)  
Texas Bar Foundation, Life Fellow  
Recognized as a "Top Lawyer" by *Houstonia* magazine, January 2020  
Frequent Guest Lecturer on construction law topics at Texas A&M University

**Affiliations:**

Construction Lawyers Society of America, Fellow, 2020 - Present  
State Bar of Texas, Construction Law Section (Young Lawyers Committee Liaison, 2013-2015; Basic Course in Construction Law Coordinator, 2014-2015; Governing Council Member, 2016-2019)  
Houston Bar Association, Construction Law Section (Chair, 2013-2014; Chair-Elect, 2012-2013; Governing Council Member, 2010-2014)  
The Associated General Contractors of America, Houston Chapter (BIM Unit 3 Instructor; Government Affairs Committee Member; Clay Shoot Committee Member)  
Texas A&M University Construction Industry Advisory Council (Executive Committee/Development Committee Chair, 2018-Present)  
Houston Contractors Association (Clay Shoot Committee Member)  
Associated Builders and Contractors Greater Houston

**Representative Experience:**

- Represented an industrial contractor against a chemical company and obtained a favorable jury verdict for the payment of millions of dollars for work performed
- Represented a multi-family general contractor against an owner and various subcontractors and obtained a favorable arbitration award for millions of dollars for work performed and defeating alleged delay claims
- Defended an offshore marine fabrication, construction and repair contractor in arbitration against various contract and fraud claims with alleged damages exceeding fifty million dollars relating to refurbishment and repair work on an offshore drilling rig
- Represented a general contractor against a hotel owner for wrongful termination
- Represented a commercial general contractor against a school district and obtained a favorable jury verdict for the payment of hundreds of thousands of dollars in change orders
- Represented an industrial general contractor against an owner to recover damages caused by the owners wrongful termination from the construction of a chemical plant control room
- Represented a general contractor in the negotiation of a construction contract for a new 28-story, 361-unit apartment tower in downtown Houston
- Represented a developer in the preparation and negotiation of design and construction contracts for the development of a twenty-three story office tower
- Represented a commercial general contractor to remove and resolve numerous lien claims and recover from multiple defaulting subcontractors
- Represented of a condominium owners association against the general contractor and architect relating to construction and design defects at a high-rise condominium tower
- Represented a boiler manufacturer and installer against a power plant owner and its officers to collect damages relating to an owner's non-payment
- Represented a developer in terminating a defaulting contractor and obtained a restraining order and injunction to stop the contractor from defaming the developer and its officers
- Defended a design-builder against claims by an owner relating to property damage arising out of the differential foundation movement at a large retail store development
- Represented the owner of an industrial chemical storage warehouse against the design-builder to recover damages resulting from differential foundation movement at the warehouse
- Represented a gas handling facility owner in a wrongful termination/delay dispute
- Defended a geotechnical engineer in a multi-party, multi-million dollar design/construction defect dispute
- Represented a general contractor against subcontractors and suppliers to recover the costs to repair the failed slopes of a detention pond

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Representative Experience (Cont'd)

- Defended a mechanical and plumbing subcontractor in a multi-party, multi-million dollar construction defect dispute
- Represented a glazing subcontractor to collect unpaid contract sums and defend against water intrusion claims relating to the replacement of spandrel glass at a high-rise office tower

**Publications:**

"Governor Abbott Announces Plans for Restarting Texas Economy," AM Law Alert, April 2020  
"Who Pays for the Owner's Non-Payment," AM Monthly Law Alert, January 2020  
"The Revised AIA Prime Contract," AGC Cornerstone Magazine, January 2018  
"There's No Crying in Baseball, or is There: Fairness Exceptions in Construction Contracts," State Bar of Texas Construction Law Section Conference, March 2014  
"The Enforceability of Provisions Requiring Arbitrations in Other States," Build Houston (February/March 2013)  
"Summary of Legislation Affecting the Texas Construction Industry Passed by the 82nd Texas Legislature," Texas Legislative Wrap Up Seminar, The Houston Contractors Association Education Committee, August 2011  
"Construction Lien Law," Lorman Seminars (01/13/12, 03/10/11, 03/03/10, 7/28/09, and 07/11/08)  
"The AIA A201 General Conditions - 2007 Edition," American Society of Professional Estimators, Houston Chapter (06/14/10)  
"AIA Contracts," Lorman Seminar (3/21/13; 05/04/10)  
"Managing Construction Projects in Texas" (07/01/08)  
"Change Orders in Texas," Lorman Seminar (06/19/08; 4/15/14)  
"The Condominium Craze: Managing the Players, the Project, and the Potential Liability," The University of Texas School of Law, Construction Law Conference (10/11/07)  
"The New Contingent Payment Clause Statute: Does it Really Help Anyone?" Build Houston (08/01/07 (Part 1) and 11/01/07 (Part 2))  
"Ancillary Arbitration Issues in Construction Disputes," Construction Law Journal (06/01/2005)

**Presentations/Seminars:**

"Termination! Will it Really Get You What You Want? (Maybe We'd Better Talk First)," Houston Bar Association Construction Law Section (11/14/19)  
"Termination! Will it Really Get You What You Want? (Maybe We'd Better Talk First)," State Bar of Texas Construction Law Section Conference (2/25/19)  
"Social Media for Contractors," Associated General Contractors Houston (7/15/17)  
"Legal Considerations for Contractors," Private Client Seminar (12/19/16)  
"Bond Claims," Construction Financial Management Association (10/26/16)  
"Lien and Bond Claims in Texas," Private Client Seminar (4/13/16)  
"Subcontractor Negotiations Do's & Don'ts," Private Client Seminar (12/16/15)  
"Legal Considerations for Design Professionals," Private Client Seminar (6/9/15)  
"The Use of Experts in Mediation & Arbitration," Forensic Expert Witness Association (4/29/15)  
"There's No Crying in Baseball, or is There: Fairness Exceptions in Construction Contracts," State Bar of Texas Construction Law Section Conference, (3/6/15)  
"Lien Laws in Texas," Private Client Seminar (2/5/15)  
"Change Orders in Texas," Presented to Affiliated Power Services, LP (4/26/14)  
"Construction Law Toolbox," Houston Bar Association Continuing Legal Education Seminar (4/24/14)  
"Contracts from the General Contractor's Perspective" State Bar of Texas Construction Law Section's Basic Course in Construction Law (11/22/13)  
"Social Media and Testifying Experts," Forensic Expert Witness Association (7/25/13)  
"Contract Negotiation and Risk Allocation," The Associated General Contractors of America BIM Unit 3 Class (7/16/13; 3/19/13; 3/25/14)

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*Presentations/Seminars (Cont'd)*

"Social Media and Today's Contractor," Associated General Contractors of America, Construction Leadership Council Educational Forum (4/25/13)

"AIA Contracts," Lorman Seminar (03/21/13)

"Summary of Legislation Affecting the Texas Construction Industry," Associated General Contractors of America (02/15/12)

"Dispute Avoidance and Resolution," American Bar Association's Forum on the Construction Industry's Mid-Winter Meeting; Division 1 Breakfast (02/03/12)

"Change Orders in Texas," Houston Contractors Association (09/27/11; 4/15/14)

"Summary of Legislation Affecting the Texas Construction Industry Passed by the 82nd Texas Legislature," HUB International Rigg Insurance and Bonds (08/17/11)

"AIA Contracts," Lorman Seminar (05/04/10)

"Construction Lien Law," HUB International Rigg Insurance and Bonds (01/23/09)

"Managing Construction Projects in Texas," Lorman Seminar (04/01/08)