

## Andrew S. "Andy" Harris

### Senior Counsel

#### **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 – 63<sup>rd</sup> 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:**

Andy's practice focuses on advocating for general contractors, subcontractors, suppliers and owners on a variety of construction related issues including litigation, contract negotiations, and alternative dispute resolution. He also has experience in commercial real estate, both transactional and litigation, representing owners, multifamily developers and management firms in landlord/tenant disputes, lease enforcements, collections and foreclosures. In addition, Andy handles contract drafting and negotiations, as well as compliance with state and federal laws.

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:**

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

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

Andy Harris

Affiliations (Cont'd)

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

"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

Andy Harris

Speeches and Publications (Cont'd)

"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*