

W. Jason Walker

Shareholder

PRACTICE EMPHASIS:

Civil trials; arbitrations and mediation; commercial litigation; construction contracts; insurance coverage; personal injury claims

EDUCATION:

J.D., Baylor University School of Law, 1997
Order of Barristers
B.S., *with honors*, Lamar University, 1992

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, Jason Walker currently leads the litigation team at Andrews Myers. He is a litigator and trial lawyer whose practice focuses on the trial and arbitration of construction law disputes including breach of contract, mechanic's liens, payment bonds, performance bonds, collections and creditor's rights, fraud, construction defect claims, termination of contracts, differing site conditions, bid protests, schedule compression, acceleration and jobsite personal injuries. He has represented owners, general contractors, subcontractors and suppliers on commercial, residential, and industrial construction projects of all sizes, and additionally counsels with credit managers regarding unpaid accounts, as well as credit policies and procedures. Jason's litigation experience includes jury and bench trials in state and federal courts, injunctive proceedings and adversary proceedings. He also assists clients with drafting and negotiating contracts and claims. Jason has been recognized as a leading construction lawyer in the state by the prestigious legal directory, *Chambers USA, America's Leading Lawyers for Business*, for multiple years.

Professional Recognition:

Construction Law, Texas Board of Legal Specialization
"Texas Super Lawyer," *Texas Monthly*, 2013 - Present
"Texas Rising Star," *Texas Monthly*, 2006 - 2010
The Best Lawyers in America (Litigation-Construction), Since 2019
The Best Lawyers in America (Construction Law), Since 2008
Texas' Best Lawyers (Construction Law), 2008 - 2014
Corporate Counsel, Top Lawyers, 2011 - 2014
Chambers USA, America's Leading Lawyers for Business, 2011 - Present
Client Choice Winner (Construction), *International Law Office/Lexology*, 2013

Affiliations:

College of the State Bar of Texas, Member
State Bar of Texas, Construction Law and Litigation Sections
Associated Builders and Contractors, Legal Issues Committee
American Subcontractors Association, Attorneys Council
The Associated General Contractors of America, Member
Mechanical Contractors Association, Member

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Affiliations (Cont'd)

Houston Bar Association, Litigation and Construction Law Sections (Former Executive Counsel, Construction Law)
National Association of Credit Management, Member (Government Affairs Committee)
Texas State-Wide Construction Credit Group, Member (Leg. Liaison, Current, President, 2006; VP 2004 – 2005)

Representative Experience:

- Obtained favorable decision from Texas Supreme Court affirming verdict on supplier's payment claim against subcontractor including award of attorneys' fees and interest.
- Represented utility contractor in a multi-million delay claim dispute related to work performed on FM 646 in Galveston County.
- Represented Developer and MUD District in connection with claims against WS&D contractor for involving large residential development in Houston.
- Represented general contractor in dispute over interpretation of termination for convenience clause pertaining to construction of multi-million dollar industrial project.
- Represented heavy civil contractor delay, design defect, breach of contract and breach of warranty claims in litigation against engineering firm arising out of a Harris County Toll Road Authority highway and bridge maintenance project.
- Ongoing representation of contractors and suppliers in obtaining collection of past due accounts; perfecting and foreclosing mechanic's and materialmen's lien claims and payment bond claims.
- Representing owner and tenant in multi-party, complex construction defect case involving an office/warehouse development.
- Represented owner in a suit by contractors in claims related to Hurricane Ike resulting from the insurance carrier's failure to pay the claim.
- Represented general contractor in a suit against an owner wherein the owner arbitrarily withheld final payment to the contractor and attempted to assess over \$300,000 in liquidated damages.
- Represented general contractor in a suit against a subcontractor who alleged prior material breach by the general contractor and who abandoned a school job in Port Neches, Texas.
- Defended general contractor against a temporary injunction requested by homeowner to halt all construction activities at a school renovation.
- Prosecuted claim by general contractor against a subcontractor who failed to honor its bid to the general contractor after the general contractor used the subcontractors' bid in its bid to owner.
- Represented pipeline contractor in the negotiated settlement of a dispute regarding the scope of work and damages along a fifty-mile long right-of-way through wetlands.
- Represented general contractor in an arbitration with a concrete subcontractor who simultaneously walked off three school projects claiming that the general contractor delayed the subcontractor's performance, failed to issue change orders and failed to make timely payment.
- Represented a concrete subcontractor in an arbitration with a general contractor after the subcontractor refused to complete work when the general contractor failed to make timely payment.

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Representative Experience (Contd.)

- Negotiated settlement for electrical and instrumentation subcontractor against an industrial plant owner relating to delay and schedule compression claims.
- Negotiated dismissal and settlement terms for underground utility and clearing contractor in a suit for injunctive relief and damages resulting from allegations of violations of the Texas Clean Air Act.
- Obtained numerous summary judgments on behalf of construction suppliers against subcontractors who failed to pay for materials purchased on credit.
- Represented owner in a dispute with a concrete supplier who attempted to assert and foreclose a \$600,000 lien claim on a multi-family development.
- Negotiated settlement for specialty contractor in a dispute with a freight carrier for damages to electrical and computer equipment.
- Brought suit and foreclosed on mechanics and materialmen's lien claim by HVAC subcontractor against new medical office building. Claim settled after court entered order to foreclose lien.
- Drafted and revised numerous business credit applications and personal guaranty agreements for construction suppliers.

Recent Speeches and Publications:

- "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
- Featured Panelist, NACM All-South Credit Conference, September 2019
- "Advanced Texas Lien and Bond Claims," Half-day Seminar NACM Southwest, May 2019
- "Texas Lien and Bonds and Other Collection Tools," American Subcontractor's Association, Houston Chapter, May 2019
- "The Art of Collection: Loading Up Your Collection Toolbox," Private Client Event, Dallas, TX, May 2019
- "Analyzing the Proposed Competing Lien Law Legislation," NACM Texas Construction Credit Group meeting, April 2019
- "Texas Lien and Bond Claims for Beginners," Half-day Seminar NACM Southwest, April 2019
- "Lien Law Modernization Bill," NACM Southwest Builder's Supply Group meeting, January 2019
- "Analyzing and Managing Contractual Risk Transfers in the Construction Industry," American Subcontractors Association, Houston Chapter, December 2018
- "Lien and Bond Claims and Collections," Full-day Seminar NACM Southwest, November 2018
- "A Subcontractors Right to Cure under Texas Law," American Subcontractors Association (Houston Chapter), July 2018
- "Avoiding or Fixing Problems with Construction Projects, CREW Luncheon Panelist, May 2018
- "Lien & Bond Claims," American Subcontractors Association, April 2018
- "Analyzing and Managing Contractual Risk Transfer in the Construction Industry," American Subcontractors Association, November 2017
- "Collection Tools for the Construction Industry: When a Lien Won't Work," NACM, November 2017
- "The Current State of Credit Laws," National Association of Credit Managers, Super Days, February 2017
- "Analyzing and Managing Contractual Risk Transfer in the Construction Industry," American Subcontractors Association, November 2016
- "Credit Law Update," National Association of Credit Managers Houston Chapter, Super Days, October 2016
- "Bonding, Access to Capital and Procurement: Dispute Resolution and Claims," U.S. DOT Bonding & Access to Capital Program, February 2016
- "Analyzing and Managing Contractual Risk Transfers in the Construction Industry," American Subcontractor's Association, October 2015

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Recent Speeches and Publications (Contd.)

- "Collection Tools for the Construction Industry: When a Lien Won't Work," NACM Gulf States, October 2015
- "Tracking Special Game: Construction Credit Training Camp," NACM Gulf States, June 2015
- "Trust Fund Statutes: What are they are How to Use Them Successfully" NACM All-South Credit Conference, October 2014
- "Analyzing and Managing Contractual Risk Transfers in the Construction Industry" American Subcontractor's Association, Houston Chapter, October 2014
- "Texas Lien and Bond Claims" South Central Wall Ceiling & Plaster Association, September 2014
- "Construction Credit Training Camp" (full day seminar) NACM Gulf States, June 2014
- "Emerging Issues in Construction Liability," Texas College for Judicial Studies, May 2014
- "Texas Lien and Bond Claims," American Subcontractor's Association Houston Chapter, April 2014
- Panelist, "Ask the Attorneys," NACM Gulf States, April 2014
- "Construction Lien Law in Texas," Lorman seminar, January 2014
- "Contract Language: Analyzing and Managing Contract Risks," American Subcontractor's Association, December 2013
- "Contract Language & Template Review," American Subcontractor's Association, October 2013
- "Understanding Purchase Order and Credit Agreements and Policies," NACM Gulf States, April 2013
- "Texas lien and Bond Claims," American Subcontractor's Association, October 2013
- "Contract Language & Template Review," American Subcontractor's Association, April 2013
- "Construction Lien Law in Texas," Lorman Seminar, January 2013
- "Texas Lien Law and Bond Claims," Private Event/South Texas Suppliers Group, October 2012
- "The New Forms for Waiver and Release of Lien on Payment Bond Claims - How's it Going?" NACM Super Days, July 2012
- "Texas Lien Law and Bond Claims," Private Event/Regional Suppliers Group, Corpus Christi, TX, May 2012
- "Texas Lien Law and Bond Claims," Private Event/Regional Suppliers Group, May 2012
- "Texas Lien and Bond Claims and the New Retainage Statute," American Subcontractor's Association, April 2012
- "Texas Anti-Indemnity Bill (HB 2093)," Private Event/Client Education Series, (Co-Presenter), March 2012
- "Getting Paid," Economic Alliance Houston Port Region Business Education Series Luncheon, March 2012
- "Texas Lien Law and Bond Claims," Private Event/Regional Suppliers Group, February 2012
- "Texas Lien Law," Lorman Seminar, January 2012
- "Just When You Thought Your Contract Templates Looked Good... the Laws Changed Again" American Subcontractor's Association, October 2011
- "Texas Legislative Updates" American Subcontractor's Association, September 2011
- "Legislative Updates," Texas State Wide Construction Credit Group, July 2011
- Speaker, "Texas Lien and Bond Claims " Associated Builders & Contractors Houston Chapter, May 2011
- "Change Orders vs. Change Directives and other Contract Terms" Gulf Coast Plumbing-Heating-Cooling Contractors Association, May 2011
- "Texas Lien and Bond Claims Seminar" American Subcontractor's Association, Houston Chapter, April 2011
- "Removables, Liens and Foreclosures—What Does the Real Estate Mess Mean to you as a Construction Supplier" NACM of South Texas, April 2011