

Patrick A. Kelly

Associate

PRACTICE EMPHASIS:

Construction; Bankruptcy; Commercial Litigation

EDUCATION:

J.D., Baylor University School of Law, 2019

Mock Trial, Inn of Court, Moot Court

President, The Federalist Society

B.A., The University of Texas at Arlington, 2015

Bill Archer Fellow, Student Body Vice President

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

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



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Profile:

Patrick Kelly's practice primarily focuses on commercial litigation, specifically involving construction law and commercial bankruptcy. Patrick represents general contractors, subcontractors, developers, suppliers, owners, and financial institutions in a variety of disputes.

Prior to joining the firm, Patrick served as a law clerk in the office of the Texas Solicitor General and a law clerk for the Tax Policy subcommittee of the United States House of Representatives Committee on Ways and Means. He was a judicial clerk for The Honorable Jeffrey Manske of the United States District Court for the Western District of Texas, Waco Division.

Affiliations:

State Bar of Texas

Houston Bar Association, Commercial Law, Construction Law and Bankruptcy Sections

Houston Young Lawyers Association

Young Leaders Group, Catholic Charities of the Archdiocese of Galveston-Houston

Baker Institute for Public Policy, Roundtable Young Professionals

Maverick PAC, National Membership Committee

Representative Experience:

- Successfully represented subcontractor against general contractor in arbitration proceeding, obtaining favorable award and attorneys' fees for general contractor's nonpayment (second chair).
- Ongoing representation of various creditors in Chapter 11 cases to assert secured and unsecured claims and defend against adversary proceedings relating to preference claims and alleged fraudulent transfers.
- Represented parties in ongoing litigation where defendant/co-defendant filed bankruptcy, involving removal and automatic stay issues.
- Represented creditor/defendant in avoidance action litigation, including successful defense against actual and constructive fraudulent transfer allegations.
- Ongoing representation of owners and general contractors involving prosecution of, and defense against, construction defect claims.
- Assist 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
- Ongoing representation of contractors and suppliers in obtaining collection of past due accounts

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Speeches and Publications:

"Construction Law Update: Texas Legislature 87th Regular Session," AM Monthly Law Alert, July 2021

"To Reject or Not to Reject: Can Midstream Agreements be Rejected in Bankruptcy?," AM Monthly Law Alert, May 2021

"Leveling the Playing Field? Fair & Open Competition Act Introduced in 117th Congress," AM Monthly Law Alert, February 2021

"Basics of Bankruptcy: They Filed for Bankruptcy, but Owe me Money," AM Monthly Law Alert, January 2021

"Construction Law Update: 2020 Year in Review," *The Texas Bar Journal*, Vol. 84, No. 1, January 2021

"How the CARES Act Helps Small Businesses in Bankruptcy," AM Monthly Law Alert, October 2020

"Here We Go Again – How FERC's Jurisdictional Struggle With Bankruptcy Courts Continues in the Chesapeake Bankruptcy Case," AM Monthly Law Alert, July 2020

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

"How Does the Alta Mesa Ruling Affect Future Gathering Agreements," AM Monthly Law Alert, January 2020

"Risk Allocation: Price Escalation Provisions as a Hedge Against Changes in Policy and Shifts in Price," *Construction Law Journal*, Vol. 15, No. 2, Winter 2019

"FERC v. Bankruptcy Courts: How Exclusive is Exclusive Jurisdiction?" AM Monthly Law Alert, October 2019

"Price Escalation Clauses can Soften the Blow of Tariffs in the Energy Industry," AM Monthly Law Alert, September 2019

"*The Overlooked Separation of Power: How Federalism Protects Individual Freedom*," State Bar of Texas – Law Student Division Spring 2018 Essay Contest (First Place)

General Editor – Symposium Edition *Harvard Journal of Law and Public Policy*, Vol. 42, Number 1
General Editor – Symposium Edition *Harvard Journal of Law and Public Policy*, Vol. 42, Number 1