

J. Michael Schiff

Shareholder

PRACTICE EMPHASIS:

Construction; Commercial Litigation

EDUCATION:

J.D., University of Houston Law Center, 2010

B.A., Texas State University, 2004

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

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



Email: mschiff@andrewsmyers.com
Phone: (713) 850-4225
Fax: (713) 850-4211

Profile:

Michael Schiff's practice focuses on construction litigation, alternative dispute resolution, litigation avoidance and construction transactions for a wide array of clients across all roles in the industry, both domestic and international. Mike represents suppliers, subcontractors, general contractors, and project owners through a deliberate, focused approach. His emphasis on precise strategy enables Mike to achieve reliable outcomes in state and Federal court, the American Arbitration Association, CPR arbitration, and International Chamber of Commerce arbitrations, while maintaining cost efficiency and providing a maximum return on attorney time.

Mike's experience spans a diverse portfolio of construction projects, including public infrastructure, industrial plants, highway projects, multi-family projects, retail centers, hotels, and office parks, pursuing and defending against matters related to payment disputes, multi-party design defects, mechanic's liens, performance and payment bonds, undisclosed and differing site conditions, breach of contract, delay claims, owner interference, and contract termination. In addition, Mike drafts, reviews, and negotiates construction contracts.

Mike has tried and arbitrated numerous cases to conclusion, but where settlement is viable, Mike has had success advising clients through both direct negotiations and mediations. In the process, Mike has built valued relationships with the Construction Bar throughout Texas.

Representative Experience:

- Defended a Spanish civil contractor in a procedurally complicated, years long multi-party indemnity claim concerning highway construction across multiple venues, including both state and federal court, ICC arbitration, and CPR arbitration, to reduce alleged liability from over \$600 million to a settlement of less than 1% of the amount originally claimed
- Successfully defended a Chinese electrical contractor against a claim from its Canadian subcontractor involving a large automotive plant, reducing the claim to its initial uncontested amount in mediation
- Obtained wrongfully withheld payment from local governments on multiple occasions in claims ranging from tens to hundreds of thousands of dollars
- Represented general contractor in defect and indemnity claim against medical facility owner and subcontractors, avoiding liability and recovering project retainage for the client
- Represented general contractor in multi-party indemnity claim against subcontractors and owner on multi-family project, resulting in minimal liability below the client's insurance policy limits

Mike Schiff

Representative Experience (Cont'd)

- Won two day arbitration as first-chair on behalf of subcontractor, obtaining a decision in excess of \$450,000 on counterclaim for lien foreclosure, breach of contract, and attorney's fees against project owner and general contractor
- Successfully negotiated payment of withheld \$350,000 to rotating equipment repair subcontractor at mediation opposed to conglomerate cooling systems manufacturer following dispute concerning equipment breakdown
- Experience in representing general contractors and subcontractors on multi-million dollar industrial and infrastructure project claims in International Chamber of Commerce arbitrations
- Successfully negotiated for settlement of \$1.2 million claim against developer resulting in financial loss to plaintiff
- Extensive experience both defending and litigating mechanic and materialman's liens for vendors, subcontractors and general contractors under applicable Texas law
- Aggressively litigated a \$360,000.00 claim for an electrical materials vendor which led to a prompt negotiated settlement for the full amount of the claim plus prompt pay interest
- Defended against a temporary restraining order on a suit for declaratory relief to rescind a non-competition agreement, ultimately settling the suit for a de minimis amount and maintaining employer protections in the agreement
- Won at trial as co-chair representing employer in pursuit of claims for breach of a non-competition agreement and tortious interference with contract, obtaining a judgment of \$100,000
- Represented employer, eliminated defensive claim and associated legal fees of \$80,000 through summary judgment in a non-compete and tortious interference dispute
- Obtained \$150,000 in damages, fees and interest on behalf of a general contractor at mediation of a contractual indemnity dispute with the subcontractor
- Represented plumbing subcontractor in mediation against multiple parties for claims of non-payment
- Defended a residential general contractor at trial in a commercial lease dispute resulting in no liability for the contractor and zero damages for the plaintiff
- Obtained partial Summary Judgment in defense of General Contractor in a labor dispute, resulting in the elimination of \$300,000 from the plaintiff's claim, removal of a key witness and a favorable settlement
- Temporarily enjoined a large government agency from making a claim on a General Contractor bid error, leading to a settlement beneficial to the contractor
- Brought suit and favorably settled mechanics and materialmen's lien claim by overhead door contractor in multi-party litigation in connection with work done on a \$7 million cryogenic manufacturing industrial warehouse
- Obtained a favorable settlement for pipeline contractor in litigation arising from work conducted by a subcontractor on a Montgomery County storm water and sewer utilities project
- Assisted an international construction corporation in preparation for a multi-million dollar breach of contract arbitration concerning construction of pumping stations for a trans-national oil pipeline
- Clerked for an international retail energy company assisting in matters including litigation, corporate divestiture, contract negotiations, and collaboration with other industry members on research and development

Mike Schiff

Speeches and Publications:

"New OSHA Guidance on COVID-19," AM Monthly Law Alert, August 2021
"Livin' the Vaccine Dream: Guidelines for Updated COVID-19 Policy on the Jobsite and in the Workplace," AM Monthly Law Alert, May 2021
"Come on in, the Water's Fine: Common-Law Vouching-In in Texas," 34th Annual Construction Law Conference, March 2021
"Wash your Hands, Wear a Mask and Read Your Contract," AM Monthly Law Alert, November 2020
"Change Orders and Claims," 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
"What do You Mean They Still Have a Lien?" AM Monthly Law Alert, April 2019
"Inside the Octagon Ring: Insurance Carrier vs. GC," AM Monthly Law Alert, August 2018
"5th Circuit Upholds Decision that TIRZ Improvements Aren't a Taking for Surrounding Flooded Residents," AM Monthly Law Alert, June 2018
"Quick Tips for Navigating the FMLA," Andrews Myers Monthly Law Alert, April 2018
"Drone Regulations in Construction Usage," Andrews Myers Monthly Law Alert, October 2016
"Arbitrator Subpoenas: Are They Worth the Paper They're Written On?" American Arbitration Association Webinar (Co-Author and Co-Presenter), December 2015
"Hot Tip Case Review: LAN/STV v. Martin K. Eby Const. Co., 435 S.W.3d 234 (Tex. 2014)," American College of Construction Lawyers Conference (Co-Author), February 2015
"An Examination of Texas Civil Practice & Remedies Section 150.002 'Certificate of Merit' Statute and Associated Caselaw," Construction Law Journal, (Co-Author), Summer 2011

Affiliations:

State Bar of Texas
Houston Bar Association, Construction Law and Litigation Sections
Houston Young Lawyer's Association
Associated Builders and Contractors
The Associated General Contractors of America, Construction Leadership Council