

Thomas W. Myers

Of Counsel

PRACTICE EMPHASIS:

Construction law; surety law; arbitration; mediation

EDUCATION:

J.D., Texas Tech University School of Law, 1982

B.B.A., Texas Tech University, 1979

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Southern District of Texas



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Profile:

Tom Myers' practice is focused on construction-related transactions, claims, insurance, risk management, workouts, mediation, arbitration and litigation. For over 30 years, he has represented public and private owners, contractors, EPC's, subcontractors, vendors and manufacturers on a wide range of construction projects, including office, high-rise residential, industrial, multi-family, educational, retail and governmental facilities as well as coal, gas and hydro power plants and industrial process plants. Tom has significant experience representing clients in drafting and negotiating complex construction contracts under multiple project delivery systems, purchase orders, forming joint ventures, limited liability companies, teaming arrangements and strategic alliances. He prosecutes and defends insurance claims for builder's risk losses and construction defects, mechanic's lien claims, surety bond workouts and claims for changed conditions, extra work, schedule delays and impact damages.

Tom is a member of the American Arbitration Association National Panel of Construction and Commercial Arbitrators. He also serves as a construction mediator. He is a past chair of the Houston Bar Construction Law Section and a frequent speaker on construction law issues to local bar and industry groups.

Tom was again singled out as a leader among Texas construction lawyers by the prestigious legal directory, *Chambers USA, America's Leading Lawyers for Business, 2015*.

Affiliations:

State Bar of Texas, Construction Law Section Member
American Arbitration Association, National Panel of Construction and Commercial Arbitrators
American Bar Association, Forum on the Construction Industry
Houston Bar Association, Construction and Alternative Dispute Resolution Sections (Former Chair, Construction)
The Associated General Contractors of America
Associated Builders and Contractors
Houston Contractors Association
Construction Financial Management Association
Greater Houston Manufacturing Association

Professional Recognition:

Chambers USA, America's Leading Lawyers for Business, 2008 – present
The Best Lawyers in America® by Woodward/White Inc. (Litigation - Construction); since 2019
The Best Lawyers in America® by Woodward/White Inc. (Construction Law); 2007-2011, since 2019
The Best Lawyers in America® Texas Edition by Woodward/White Inc. (Litigation-Construction); 2021
Texas' Best Lawyers (Construction Law), 2008 – 2011

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Professional Recognition (Contd.)

The Best Lawyers in America® Texas Edition by Woodward/White Inc. (Litigation-Construction); 2021
Texas' Best Lawyers (Construction Law), 2008 – 2011
The International Who's Who of Business Lawyers (Construction), Since 2005
"Texas Super Lawyer," (Construction/Surety), Texas Monthly, 2005 – present
AV© Preeminent™ Peer Review Rating (5.0 out of 5), Martindale-Hubbell

• **Representative Experience:**

- Represented a prominent Houston-based commercial building contractor in the negotiation of a multi-hundred million dollar construction contract, funded through synthetic lease financing, for the construction of the new headquarter campus for a major downstream and refining oil and gas company.
- Outside general counsel for a national real estate developer in connection with major private and public redevelopment projects.
- Represented contractor in review and negotiation of Pacific Northwest hydroelectric plant refurbishment.
- Counsel for owner of overseas syngas facility in connection with preparation and prosecution of claims relating to failed compressor train.
- Assisted international client in connection with the drafting and negotiation of implementation agreements, EPC contracts, subcontracts and supply agreements on alternative energy power plant.
- Represented international owner in preparation of EPC agreement for multi-hundred million dollar Gulf Coast process plant.
- Counsel for west coast general contractor in connection with presenting and resolving complex delay and impact claims by the general contractor and trade subcontractors relating to a high-rise hotel project that experienced differential settlement during construction due to inadequate foundation design.
- Representation of local governmental entities in the prosecution and resolution of performance bond claims related to infrastructure projects.
- Counsel for international manufacturer in connection with the negotiation of supply agreements and strategic alliance agreements for turbine generators and other power-related equipment, both domestically and abroad.
- Represented public entity in preparation and settlement of claims against design professional.
- Represented owner in negotiation of design-build agreement for construction of new corporate headquarters.
- Lead counsel for national general contractor in multi-party construction defects/mold litigation asserted by the public owner and over 2,500 individual plaintiffs, including related insurance coverage litigation.
- Regularly represent utility districts and water authorities in connection with infrastructure projects, including preparation of agreements, general conditions and supply contracts..
- Drafted and negotiated agreements on behalf of real estate developer with design professionals and a general contractor for a multiple-phase high-rise condominium project.
- Counsel for general contractor regarding the investigation and settlement of the owner's claims of defective construction of an exterior building envelope that resulted in extensive moisture infiltration and property damage, and subsequent prosecution of claims against responsible subcontractors and their insurance carriers.
- Representation of commercial real estate developer in connection with a general contractor's delay and impact claims arising from the conversion of a former commercial office building to condominiums.
- Assisted commercial general contractor with the establishment of a Contractor Controlled Insurance Program to improve jobsite safety performance and control insurance costs.
- Formation of limited liability company and structuring of specific project agreements for the pursuit of large commercial projects in multi-state region.
- Formation of joint venture and negotiation of prime contract to construct multi-hundred million dollar casino expansion.

Thomas W. Myers

Speeches and Publications:

"Construction Contracts and Legislative Updates Affecting Water Districts and Authorities in Texas," Texas Water Conservation Association, Risk Management Seminar, October 2012

"Partnering to Pursue Projects: the Nuts and Bolts of Joint Ventures and Strategic Alliances," Associated Builders and Contractors, Legislative Update Series, June 2012

"Anti-Indemnity Update," Houston Bar Association, Construction Law Section, (Panelist), November 2011

"HB 2093: Texas' Anti-Indemnity Legislation," Private Event/Client Education Series, November 2011

"Texas Anti-Indemnity Legislation," Associated Builders and Contractors, Contractors Committee Meeting, August 2011

"Joint Ventures and Strategic Alliances," Government Procurement Connections Educational Workshop, (Panelist), April 2011