

William L. Erwin, aia, ncarb

Shareholder

PRACTICE EMPHASIS:

Construction Transactions; Procurement; Risk Mitigation;
Complex Construction Claims

EDUCATION:

J.D., The University of Texas School of Law, 2012
M. Arch., The University of Texas at Arlington, 2002
B.S., Texas A&M University, 2000

ADMITTED:

State Bar of Texas



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Profile:

Board Certified in Construction Law by the Texas Board of Legal Specialization, Bill Erwin's practice focuses on the transactional and risk mitigation aspects of construction law. Having spent over 25 years in the commercial construction industry, Bill's experience includes working with clients in all phases of the construction process with an emphasis on procurement, contract drafting and negotiation, prevention and resolution of claims, regulatory compliance, and project close-out. Bill spent the first 10 years of his career as a commercial architect, where his practice encompassed all aspects of project design and construction on large-scale private real estate developments, as well as municipal and institutional works. As a dual-professional, Bill's experience with project procurement, design, controls, and construction administration provides him with a distinct advantage when handling the complex technical issues involved in a construction project. His skillset not only provides unique value to clients, but also allows him to better serve clients before, during and post construction.

Bill also has first-chair jury trial and appellate experience, which has helped him develop a strong understanding of state and federal construction law in context of construction contract negotiation and risk management.

In 2015, Bill was voted "Top 20 Under 40" by Engineering News Record.

Professional Certifications:

National Council of Architectural Registration Boards
Texas Board of Architectural Examiners
Registered Architect – State of Texas

Professional Recognition:

Construction Law, Texas Board of Legal Specialization
"Texas Rising Star," *Texas Monthly*, 2017-2019
"2015 ENR Top 20 Under 40," Best-of-the-Best Young Construction Professionals, Engineering News Record, January 15, 2015

Representative Experience:

CONSTRUCTION

- Represents developer in proceedings before the Public Utility Commission with petition to re-define CCN boundaries and transfer development tract from the City of Austin to the City of Round Rock public water and sewer districts
- Serving developer as consulting expert in claims against architect and engineer in State District Court, and parallel proceedings against the design professionals before the Texas Board of Architectural Examiners and Texas Board of Professional Engineers.
- Represents developer in contract negotiations, entitlement acquisitions including ground & air easements, and CCIP development for \$60mm high-rise construction project in downtown Austin
- Represents national general contractor in termination of \$50mm contract with the General Land Office related to the Hurricane Harvey
- Represented the City of Plano and the City of El Paso in drafting entire suite of bidding, procurement, and contract documents for use with CMAR, Design-Build, IDIQ and traditional delivery methods.
- Represents general contractors with a national presence, regional contractors, to family-owned specialty contractors and builders as outside general counsel for procurement, transactional, corporate, and pre-litigation matters.
- Represented numerous public entities (counties, municipalities, and quasi-governmental utility authorities) as special construction counsel for procurement, transactional, and litigation matters involving:
 - water and wastewater treatment plants and infrastructure projects
 - transportation construction and maintenance projects
 - municipal, fire, and police facilities
 - hospitals and health care facilities
 - high and mid-rise commercial
 - retail
 - multi-family projects
- Served as co-counsel for appellant seeking to overturn unfavorable jury verdict in construction defect claim, and partial remand granted for new trial.
- Represented plaintiff as lead counsel in 2-week jury trial involving construction defect claims against the contractor, and negligence claims against the design professional.
- Successfully defended road contractor in a lawsuit filed by the City of Buda which claimed over \$1million in alleged road repair damages. The jury awarded the City nothing and awarded the client its unpaid retainage plus statutory Prompt Pay Act interest due to a "no bona fide dispute" finding by the jury.
- Represented national construction materials supplier in asphalt pavement defect claims against contractors and design professionals.
- Represented prominent Texas general contractor against Kansas owner/developer in complex multi-party construction defect claim arising from damages sustained by Austin area hotel during Tropical Storm Hermine.
- Represented prominent Texas general contractor against the Houston Rapid Transit Joint Venture in construction delay claims in relation to the Houston METRO Rail Expansion Project.
- Represented local pier driller in contract dispute against prominent Texas general contractor and obtained favorable settlement in mediation.
- Assisted in representation of international general contractor against construction defect claims asserted by the North Texas Tollway Authority in relation to the President George Bush Turnpike in Dallas, Texas.
- Defended prominent Texas general contractor against construction defect claims asserted by USAA in relation to the renovation and construction of USAA's corporate headquarters in San Antonio, Texas.
- Assisted in successful defense of general contractor against construction defect claims by subsequent purchaser of condominium project.

Representative Experience (Cont'd)

- Assisted in successful representation of prominent Texas general contractor in relation to construction defect claims asserted against underground plumbing subcontractor. Jury awarded the client all damages plus costs, attorney's fees and interest.
- Assisted in successful representation of several condominium associations in asserting construction and design defects (stucco and EIFS) against contractors, suppliers and design professionals.

APPELLATE

- David H. Arrington v. Aranda Pools, Inc.; In the Court of Appeals for the Eleventh District of Texas, Eastland (2018).
- T&V Optimum, LLC d/b/a Optimum Steel Industries v. Andrew Romero d/b/a Romero Inspection and Fabrication; In the Court of Appeals for the Third District of Texas, Austin (2013)
- C.D. Henderson Construction Services, LTD v. Ranger Excavating, LP; In the Court of Appeals for the Third District of Texas, Austin (2010)
- Emerson Construction Company, Inc. and Western Surety Company v. Ranger Fire, Inc; In the Court of Appeals for the Third District of Texas, Austin (2010)
- C.D. Henderson Construction Services, LTD v. All Seasons Waterproofing and Restoration, Inc; In the Court of Appeals for the Third District of Texas, Austin (2010)

Speeches and Publications:

- "Theories of Liability Against Design Professionals" The Basic Course in Texas Construction Law · Dec 14, 2018
- "Reviewing Bidding Documents" HalfMoon Seminar, 2018 · Feb 15, 2018
- "Understanding and Managing Contractual Risk" Greater Austin Contractors and Engineers Association · Jan 11, 2018
- "The Legal Issues and Ramifications Involved in Scheduling and Delay Claims" 2016 Construction Law Forum - AGC Construction Leadership Council · Oct 1, 2016
- "Public Procurement Law Applicable to Construction Contracting" HalfMoon Seminar, 2016 · Aug 10, 2016
- "Principles of Ethics for Engineers" 2016 Central Texas Infrastructure Design & Construction Symposium · Apr 14, 2016
- "Public Procurement in Texas" The Basic Course in Texas Construction Law · Nov 12, 2015
- "TMCA Legislative Update Seminar - Purchasing & Bid Protests" Texas Municipal League · Aug 21, 2015
- "Engineering Ethics" 2015 Central Texas Infrastructure Design & Construction Symposium · Apr 30, 2015
- "Principles of Ethics for Engineers" 2014 Central Texas Infrastructure Design & Construction Symposium · Apr 16, 2014
- "Change Orders in Texas: Effective Change Management" Lorman Seminar 2014 · Mar 25, 2014
- "Construction Law for Public Projects: Design Professional Contracts and Project Management" HalfMoon Seminar, 2013

Affiliations:

Austin Bar Association, Construction Law Section
State Bar of Texas Construction Law Section
The Associated General Contractors of America, Austin Chapter
Associated Builders and Contractors, Central Texas Chapter