

Kevin M. Murphy

Senior Counsel

PRACTICE EMPHASIS:

Construction law; litigation; arbitration

EDUCATION:

J.D., University of Houston Law Center, 2007
Houston Journal of International Law, Articles Editor
B.A., University of North Texas, 1994

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Southern District of Texas



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Profile:

Board Certified in Construction Law by the Texas Board of Legal Specialization, Kevin Murphy's practice is focused on construction-related transactions, litigation, dispute resolution, and claims counseling. Kevin's clients include multiple parties in the project delivery chain: general contractors, subcontractors, material suppliers, developers, project sponsors and owners, and he has represented them as both plaintiffs and defendants in state court, in federal court and in arbitration proceedings.

Kevin has significant experience representing clients in drafting and negotiating construction contracts under multiple project delivery systems, purchase orders, forming joint ventures, limited liability companies, teaming arrangements and strategic alliances. He also 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.

Prior to joining the firm, Kevin was general counsel for a national general contractor.

Professional Recognition:

Board Certified in Construction Law, Texas Board of Legal Specialization

Affiliations:

State Bar of Texas, Construction Law Section
Houston Bar Association, Construction Law Section
Association of Corporate Counsel
American Bar Association, Forum on the Construction Industry

Representative Experience:

- Served as first-chair counsel for a contractor in an arbitration related to construction defect matters. Arbitrator granted judgment against claimant for the bulk of construction claims and granted recovery of contractor affirmative payment counterclaims.
- Defended site and utilities contractor against claims by telecommunications provider related to damage to provider's fiber optic cable during construction.

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Representative Experience (Cont'd.)

- Negotiated key terms in prime contract with national storage company addressing construction material price escalation.
- Represented national commercial and retail general contractor as in-house counsel on multiple projects across 38 states.
- Represented contractor in responses to local, state, and federal agency oversight and administrative actions including the Texas Railroad Commission, Texas Department of state Health Service, State Contractor boards in Hawaii, Louisiana, Florida, and Michigan, Texas Department of Transportation and the US Department of Transportation, and OSHA.
- Negotiated construction debris contracts with multiple municipalities reducing contractor overhead.
- Negotiated and Prepared construction easements and laydown yard leases for contractor.
- Represented EPC contractor in payment dispute regarding sale of decommissioned power plant to non-US purchaser resulting in full payment and release of worker's lien.
- Assisted in representation of contractor in multibuilding construction defect action with substantial water intrusion causing damage requiring near total remodel. Resolved in confidential settlement recovering repair costs and attorney fees.
- Negotiated revised master service agreements with multiple national construction material supply companies.

Speeches and Publications:

What Do You Mean There's No Coverage?!: Facing the Potential of No Insurance Defense or Coverage on a Construction Defect Claim Part 1 & 2, Presented by the ABA Litigation Section, Construction Litigation Committee and Insurance Coverage Litigation Committee June and July 2022

How to Blow Your Budget & Delay Completion on Your Construction Project: A Board-Certified Construction Lawyer's Perspective, Texas Self Storage Association, Big Ideas in Storage 2019 Annual Conference.

Game Theory in Contract Negotiation, ICSC CenterBuild Conference 2018

Owner Due Diligence and Contracting with Special Purpose Entities, or How I Learned to Stop Worrying about Enron and Love SPEs, ABA Construction Law Forum Division 5 (General Contractors) Monthly Division Call Webinar, September 2018

Emerging Trends in Construction Law, ICSC CenterBuild Conference 2017 (revised and published in the Retail Contractors Association Newsletter, January 2018

Introduction to Corporate Litigation, 2017 ACC Corporate Counsel University, June 14, 2017

Social Media: Great Time Drain Destroying the World or a Powerful Tool for Business? ICSC Retail Law Conference, 2017

Front End Aligning Projects from Concept to Completion Utilizing Specialized 'In-House Counsel', ICSC CenterBuild Conference, 2016

Fifth Annual Houston Retail Real Estate Summit, Moderator, Bisnow.com Oct. 8, 2015, Houston

Fourth Annual Houston Retail Real Estate Summit, Moderator, Bisnow.com Nov. 20, 2014, Houston

Leadership Pearland Attends How Pearland Works, The Pearland Journal, December 6, 2014

Key Employment Issues Part II: When Trouble Arises, 2015 ACC Corporate Counsel University, May 19, 2015

Fair Housing Act: Essentials, Panelist, Texas Society of Architects Conference Oct. 26, 2008 Fort Worth

Lunchtime Training for Project Teams: Lien on Me When You're Not Paid; The Care & Feeding of Construction Contracts; Construction Project Insurance for Dummies (may also be useful for Project Managers & Project Coordinators); Procrastination: Or, Why We Sometimes Don't Finish Stuff and How To...