



# SANDERFORD & CARROLL

**BRIAN K. CARROLL**

*Managing Partner*

*Attorney, Arbitrator, Mediator*

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## EDUCATION

- ▶ **Juris Doctor**  
Baylor University
  
- ▶ **B.S. in Architectural Engineering**  
University of Texas at Austin

## PROFESSIONAL EXPERIENCE

- ▶ **Sanderford & Carroll, P.C.**
  - Managing Shareholder (January 2018 – Present)
  - Shareholder (January 2007 – December 2017)
    - Responsible for all aspects of construction litigation practice including discovery, motion practice, depositions, mediations, arbitrations, trials and appeals.
    - Mediator for over 350 construction, large commercial, and complex multi-party civil suits.
    - Member, American Arbitration Association roster of neutrals.
  - Appellate
    - Successfully defended \$1,800,000 award at oral argument before the Texas 3<sup>rd</sup> Court of Appeals
  - Arbitration
    - Successfully defended prime contractor on COE project resulting in take-nothing verdict.
    - Successfully defended prime contractor on IH-35 project resulting in take-nothing verdict against Subcontractor.
  - CGL Policy Defense
    - Successful defense of major waterproofing subcontractor via summary judgment.
    - Successful defense of major excavation subcontractor via summary judgment.
  - Texas Department of Transportation
    - Successfully resolved over \$750 million in terminations for a major contractor on Projects statewide.
    - Assisted large road contractor in preparation of over \$100 million in claims on TxDOT Interstate Projects.
    - Served as consulting counsel to large law firm regarding presentation and appeal of TxDOT cases.
    - Settled wrongful termination case for more than \$1,400,000 on rest area project.
    - Settled debarment action allowing contractor to continue work on TxDOT projects.

## PROFESSIONAL EXPERIENCE CONTINUED

- Settled claims on major multi-level interchange project for more than \$5,000,000.
  - Settled multiple contractor sanction hearings favorably.
  - Federal Procurement
    - Successfully resolved multiple multi-million dollar claims on US Army Hospital Project.
    - Represented Contractors in multiple Miller Act lawsuits nationwide.
    - Assist clients with preparing claims on government construction claims nationwide.
  - Mediation
    - Served as mediator for over 350 cases in multiple states (TX, LA, OK, NM, etc.)
    - Served as mediator on construction cases involving over 15+ parties
    - Served as mediator on personal injury cases involving truck accidents
    - Served by appointment from the US Western District, Waco Division as referee/umpire for construction matters.
    - Co-mediated Federal Court matters with US Magistrate, Western District Texas, Waco Division
  - ▶ **Pratt & Sanderford, P.C.**
    - Shareholder (January 2004 – December 2006)
    - Associate Attorney (May 2002 - January 2004)
      - Responsible for all aspects of construction litigation practice including discovery, motion practice, depositions, mediations, arbitrations, and trials.
    - Arbitration
      - Successfully advanced claim for breach on high performance FF/FL numbered concrete warehouse.
    - CGL Policy Defense
      - Successful defense of major foundation leveling contractor resulting in agreed non-suit.
    - SOAH
      - Obtained verdict more than \$1.2 million against TxDOT including attorney fees.
    - Law Clerk, Spring 2001 – May 2002
      - Responsible for legal and technical research on various cases. Prepared claims for TxDOT claim process. Wrote several sections for a guide to contracting with TxDOT.
  - ▶ **Texas Life Insurance**
    - Legal Extern (Summer 2001)
      - Responsible for research and support for general counsel and senior management concerning legal issues. Drafted the corporate policy and procedure for handling subpoena and search warrant requests. Researched ability of Texas Life to recover their internet web name from a non-using third party.
  - ▶ **Naman, Howell, Smith & Lee, PLLC**
    - Legal Extern (Summer 2001)
      - Responsible for research and preparation of numerous patent applications.
  - ▶ **McLennan County District Attorney**
    - Legal Extern (Spring 2001)
      - Responsible for research, screening cases, and recommending cases for trial. Provided legal research and support for three Assistant District Attorneys.
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## PROFESSIONAL EXPERIENCE CONTINUED

### ▶ **Carter & Burgess, Inc.**

- Graduate Engineer (March 1999 - August 1999, Summer 2000)
  - Youngest schematic designer in Austin. Supported as many as six project managers simultaneously with design and planning services on major projects statewide. After three months was assigned two projects with responsibility for preparing contracts with clients and scope of services. Responsible for daily contact with clients and project status reports to senior project manager. Developed route and design alternatives balancing need, cost, environmental and constructability issues on multiple projects.
- *Representative Experience*
  - FM 1431, Cedar Park, Texas (City of Cedar Park ~ \$20 million) Lead Designer, Contract & Scope of Services
  - Holdsworth Drive, Kerrville, Texas (City of Kerrville ~ \$10 million) Lead Designer
  - IH-35 Master Plan, San Antonio, Texas (TxDOT ~ \$4 billion) Schematic Designer
  - US 79, Round Rock, Texas (TxDOT ~ \$9 million) Schematic, Hydrology/Hydraulic Designer
  - SH-130 (Mo-Kan), Section A (TTA ~ \$350 million) Schematic Designer

### ▶ **Turner, Collie & Braden, Inc.**

- Graduate Engineer (June 1998 - March 1999)
  - Responsible for schematic design on numerous projects. Team member on the Texas Turnpike Authority General Engineering Contract. Responsible for coordination of twenty million dollars of utility relocation with over twenty utilities in Austin on this project. Worked on developing the Total Quality Management program for this project. Worked on Congestion Mitigation and Air Quality (CMAQ) improvement projects for the Dallas/ Ft. Worth area. Also worked on the initial tolling plan for US 183A, SH 45 and Loop 1 in Austin.
- *Representative Experience*
  - Loop 363, Temple, Texas (TxDOT ~ \$60 million) Assistant Lead Designer
  - Loop 1 (Mo-Pac)/ SH 45/ US 183A (TTA ~ \$1 billion) Utility Coordinator, Schematic Designer
  - SH-130 (Mo-Kan), Section B (TTA ~ \$350 million) Schematic Designer
  - CMAQ, Dallas & Ft. Worth, Texas (TxDOT ~ \$20 million) Intersection and Traffic Signal design

### ▶ **Texas Department of Transportation**

- Engineering Tech (I-III) (Summers: 1994, 1995, 1996, and 1997)
  - Promoted twice and provided engineering services and support while interning during college. Part of the first TxDOT district to make one year with no loss-of-time accidents. Prepared construction plans, performed concrete design and testing, and asphalt inspection. Project leader for field implementation of the U.S. 281 digital photogrammetry survey program. Team member on historic suspension bridge revitalization that received state accords. (One of two remaining operational suspension bridges in Texas).

## TEACHING EXPERIENCE

- ▶ **Baylor Law School**
  - Adjunct Professor, *Construction Law*; 2019- Present
- ▶ **The University of Texas at Austin, Cockrell School of Engineering**
  - Lecturer, ARE-366: *Contracts, Liability and Ethics*; Summer 2008, Spring 2010

## REGISTRATION, PROFESSIONAL ORGANIZATIONS & CERTIFICATIONS

- ▶ American Subcontractors Association
  - President (2021-2022)
  - National Vice President (2020-2021)
  - Secretary/Treasurer (2019-2020)
  - National Board of Directors (2016-2018)
  - Attorney's Council Chair (2015-2016)
- ▶ Board Certified, Construction Law
  - Texas Board of Legal Specialization (January 2017 – Inaugural class certified)
- ▶ Texas Board of Legal Specialization
  - Construction Law Exam Drafting and Grading Committee (2017-Present)
- ▶ State Bar of Texas, Construction Law Section
  - Council Member (2017-2019)
  - Young Construction Lawyer Representative (2010)
  - Section Journal Assistant Editor, (2020-present)
- ▶ Bell County Young Lawyers
  - President (2005-2006)
  - President-Elect (2004-2005)
  - Secretary (2003-2004)
- ▶ Texas Society of Professional Engineers (Director 2005-2006)
- ▶ American Society of Civil Engineers
- ▶ Bell County Bar Association
- ▶ Passed Engineer in Training Examination
- ▶ State Bar of Texas, Bar Number 24034363
- ▶ Texas Dispute Resolution Institute - 40 Hour Mediator's Training Certificate
- ▶ Texas Real Estate Inspector Commission, State-At-Large Member (2020-current)

## SELECTED LECTURES, PRESENTATIONS, PAPERS & PUBLICATIONS

- ▶ *Old School is New School, A Modern Plaintiff Approach to Practice Based on Sun-Tzu's Theories*, Spring 2022, Defense Research Institute, National Convention, Austin, Texas
- ▶ *The Miller Act, After 85 Years*, March 2020, State Bar of Texas, Construction Law Section, Annual Continuing Education, San Antonio, Texas
- ▶ *Texas Construction Law Journal*, *The Devil is in the Details: Why Delay Damages Are not the only Game in Town and why this Matters in Light of Zachry*, 12 Tex. Const. L.J. No. 1, 2015, at 33 (Jul. 2015).
- ▶ *Texas Tech Administrative Law Journal*, *The Road Goes on Forever and the Claims Process Never Ends: An Approach for Success in Handling Texas Department of Transportation Construction Claims*, Volume 13, Book 2, Summer 2012.
- ▶ *The Road to Nowhere, A Practical Guide to Success with the TxDOT Claims Process*, March 2011, State Bar of Texas, Construction Law Section, Annual Continuing Education, San Antonio, Texas
- ▶ *Construction Law Handbook, 2005 Cumulative Supplement, Chapter 28 - Exceptions to no Damages for Delay Clauses*, Aspen Publications, Co-Author.

## PUBLISHED CASES

- ▶ *U.S. ex rel. United Rentals, Inc. v. Hartford Fire Insurance Company*, 339 F.Supp.2d 799 (W.D. Texas, 2004)
- ▶ *State v. Mid-South Pavers, Inc.* 246 S.W.3d 711 (Tex. App. – Austin, 2007, pet. denied)

#### AWARDS AND HONORS

- ▶ American Subcontractor Association
  - President's Award (2020, 2021)
  - Attorney Counsel Award (2020)
- ▶ *Texas Monthly, Super Lawyers*
  - Construction Litigation (2017-Current)
- ▶ *Texas Monthly, Super Lawyers - Rising Stars*
  - Construction Litigation, 2014-2016
- ▶ Bell County Young Lawyer of the Year (2006)
- ▶ 2002 ABA National Client Counseling Finals
  - Second Place American Team
- ▶ 2002 ABA Regional Client Counseling Competition
  - Second Place Team
- ▶ 2001 Naman, Howell, Smith & Lee Client Counseling Competition
  - First Place Team
- ▶ Eagle Scout

#### INTERESTS AND ACTIVITIES

- ▶ Backpacking
- ▶ Hiking
- ▶ Scottish Rite
  - Orient of Texas, Valley of Austin
- ▶ Sporting Clays, Skeet and Long -Distance Target Shooting