



Amy M. Emerson

CO-MANAGING PARTNER

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PRACTICE AREAS

Construction Disputes
Outside General Counsel Services

EDUCATION

J.D., *with honors*, The University of
Texas at Austin School of Law (2007)

B.A., *cum laude*, Southwestern
University (2003)

LICENSES & CERTIFICATIONS

Supreme Court of Texas

Admitted to U.S. District Courts for the
Western, Eastern, Northern, and
Southern Districts of Texas

Admitted to the Fifth Circuit Court of
Appeals



Amy has the **experience** and the **judgment** to know when it's time to stand your ground, time to let it go, or time to storm the beach.

OVERVIEW

Amy Emerson is a born persuader. She has an uncanny ability to advocate with zeal while never losing the warmth and engagement that make her such a great advocate. Her power to convince her audience—whoever that might be—comes from painstaking preparation, reading the room, and delivering her arguments with confidence and clarity.

An experienced construction litigation attorney, Amy represents both public and private owners and contractors in construction-related disputes of all kinds, bringing a highly disciplined, process-driven approach to her work. Although the details and specifics vary in each case, she always begins by making sure she's attacking the “real” problem by identifying the issues that matter and setting aside the ones that don't. She listens carefully, asks a lot of questions, and immerses herself in all of the technical details.

Amy is particularly skilled at breaking down the complex

concepts that exist at the intersection of the construction industry and the law. Once she knows the strengths and weaknesses of a case, she works with her clients to develop a litigation strategy that matches their business objectives with well-calibrated steps toward realistic results. She educates clients early and extensively on the costs of litigation, the process, and the potential outcomes so they can make informed business decisions. From there, she develops a tailored dispute resolution plan that brings the client toward the end goal as quickly and efficiently as possible. One way she does this is by strategically picking her battles: Amy has the experience and the judgment to know when it's time to stand your ground, time to let it go, or time to storm the beach. In other words, she'll let you know if the juice is worth the squeeze.

Amy brings an unusually broad range of experience to her work as a construction litigation attorney. She began her career working primarily with governmental entities, which gave her a behind-the-scenes perspective on how public entities operate in lawsuits, handle procurement, and manage large public construction contracts. She's handled cases dealing with everything from massive water reservoir permitting to bet-the-company construction disputes.

Her career experience coupled with her signature charm—a special blend of personality, wit, and competitive drive—give her a unique perspective on problem-solving and client-specific advocacy. It's this same straightforward, people-oriented approach that makes her incredibly effective at managing the firm's operations. As Co-Managing Partner, Amy is the person responsible for ensuring that our people and processes are all working together to bring our law firm's overarching vision to life.

In her spare time, Amy enjoys almost anything that's outdoors, remote, and preferably, challenging. She has the soul of an expeditioner—running, backpacking, overlanding, snowshoeing, and cycling over every imaginable terrain. And just as with her law practice, she finds the journey every bit as rewarding as the outcome.

REPRESENTATIVE EXPERIENCE

- Assisted governmental entities in defending and evaluating the legality of procurement procedures on various multimillion-dollar public works projects involving alternative delivery systems.

- Represented an EPC contractor in a \$42M construction defect dispute and a \$2M payment claim through trial court and owner bankruptcy proceedings. Representation included obtaining a \$2.1M mechanic's lien on behalf of the contractor with priority over the lender's deed of trust, resulting in favorable settlement.
- Successfully defended a City's right to enforce its zoning regulations on a wastewater treatment plant proposed by another governmental entity in an expedited bond validation suit; on direct appeal to the Texas Supreme Court, obtained a decision denying the opposing party jurisdiction.
- Won a directed verdict for an individual in a state court jury trial of a nuisance suit where plaintiffs claimed \$5,000,000 in damages.
- Won summary judgment dismissal of \$45,000,000 negligence claim against a private school in federal court; on appeal to the Fifth Circuit, obtained decision upholding dismissal.
- Won appeal at the Supreme Court of Texas for a governmental entity on a contract and employment dispute.
- Won jury and directed verdicts in favor of general contractor on breach-of-contract and quantum meruit claims arising out of a multi-family project.
- Represented multiple municipally owned utility and electric cooperatives in a group of related breach-of-contract suits against a wholesale electric utility provider. All cases were resolved by agreement.
- Represented governmental entities on appeal to intermediate appellate courts and the Texas Supreme Court on a variety of issues, including governmental immunity and takings.
- Obtained summary dismissals for various governmental entities at the trial level in both state and federal court based on governmental immunity.
- Assisted in securing the first reservoir permit issued by the State of Texas in almost thirty years for a regional water district.
- Obtained favorable arbitration award on behalf of design-builder of entertainment facility, where claimant alleged over \$100M in damages and final award found claimant entitled to less than \$1M.

PRESENTATIONS & PUBLICATIONS

- *Rohr Shock: Proving Up Attorneys' Fees in the Lone Star State*
Place: Construction Law Foundation of Texas 33rd Annual Construction Law Conference (March 2020)
- *The Devil's in the Details: Proving Attorneys' Fees under Rohrmoos Venture*
Place: Construction Law Foundation of Texas CLE Webinar (August 2019)
- *Responding to a Problem Project without Making Things Worse*
Place: Build On: The Construction Seminar for Construction Experts (September 2018)

- Sovereign Immunity in Construction Law
Place: Houston Bar Association Construction Law Section (April 2018)
- The Night is Dark and Full of Terrors: The Horrifying Dangers of Texas Construction Law
Place: Construction Law Foundation of Texas 31st Annual Construction Law Conference (March 2018)
- Top Five Contract Issues from a Litigator's Perspective
Place: Presented at the State Bar of Texas Government Law Boot Camp (July 2017)
- 2017 Contract Immunity Update (Read More)
Place: Presented at the Texas City Attorney Association Summer Conference (June 2017)
- When the King Does Wrong: The Availability and Limits of Construction-Related Suits against the Government
Place: Presented to State Bar of Texas 30th Annual Construction Law Conference (March 2017)
- Case Study: Port of Houston/Zachry Contract
Place: Presented to the Construction Industry Institute Executive Leadership Program, The University of Texas at Austin (January 17, 2017)

INDUSTRY INVOLVEMENT

- State Bar of Texas, Construction Law Section | Member (2007-Present); Governing Board Member (2018-2020)
- Austin Bar Association, Construction Law Section | Member (2007-Present)
- ULI Austin | Regional Growth Local Member Counsel (2022)
- Travis County Women Lawyers Association | Member (2016-Present)

AWARDS

Super Lawyers by Thompson Reuters

- Rising Stars – Texas Construction Litigation (2014-2021)
- Up-and-Coming 50 Women – Texas (2020-2021)
- Up-and-Coming 100 – Texas (2021)

Best Lawyers by BL Rankings

- Construction Law – Austin, Texas (2020-2021)
- Commercial Litigation – Austin, Texas (2021)