

Amy M. Emerson

Amy Emerson is a partner and litigator at construction law firm Allensworth & Porter. Amy represents clients from all sides of the construction industry—including public and private owners, general contractors, and developers—and is frequently retained by inside and outside general counsel to handle construction and contract disputes, appellate work, and governmental immunity issues. Her broad-based background and attention to detail has fostered an innovative approach to handling even the most complex construction cases. Amy's achievements include prevailing on final appeal before the Supreme Court of Texas in the defense of a city's payment policies, obtaining a jury verdict in favor of a general contractor (after a 15-minute deliberation), the successful defense of a city's zoning authority—winning both at trial and on appeal to the Supreme Court of Texas—and assistance in obtaining the first reservoir permit issued by the State of Texas in almost 30 years. A sought-after speaker on topics ranging from trial practice to owner, contractor, and design professional liability, to [attorneys' fees](#), Amy has spoken to a range of professional groups, including the Texas City Attorneys Association, the Construction Law Foundation of Texas' statewide Construction Law Conference, and Construction Law Sections across Texas. Prior to joining Allensworth & Porter, Amy was an attorney at an Austin-based environmental law firm,

where her practice focused on trial and appellate work for governmental entities. She received her J.D. with honors from The University of Texas at Austin School of Law, and she graduated with a Bachelor of Arts, *cum laude*, from Southwestern University. Amy is an avid trail runner and has completed two 50-kilometer ultramarathons on the North Rim of the Grand Canyon and in Monument Valley. Read more about Amy in the [April 2020 cover feature of Super Lawyers magazine](#).

LICENSED BY

- Supreme Court of Texas (2007)
- Admitted to U.S. District Courts for the Western (2005), Eastern (2015), Northern (2008), and Southern (2008) Districts of Texas
- Admitted to the Court of Appeals for the Fifth District of Texas (2009)

INDUSTRY INVOLVEMENT AND MEMBERSHIPS

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

AWARDS

- Super Lawyers, Texas Rising Stars | Construction Litigation (2014-2020); Up-and-Coming 50 Women (2020)
- Best Lawyers, Austin, Texas | Construction Law (2020)

EDUCATION

- J.D., The University of Texas at Austin School of Law, with honors (2007)
- B.A., Southwestern University, *cum laude* (2003)

REPRESENTATIVE MATTERS

- Won jury and directed verdicts in favor of general contractor on breach-of-contract and quantum meruit claims arising out of a multifamily project.
- Represented a contractor in a \$42 million construction defect dispute and a \$2 million payment claim through trial court and bankruptcy proceedings. Representation included obtaining a lien to secure a payment claim and resulted in favorable settlement.
- Assisted governmental entities in defending and evaluating the legality of procurement procedures on various multi-million dollar projects involving alternative delivery systems.
- Obtained a favorable settlement for an owner in a construction-defect suit arising out of repeated failure of a water transmission main.
- Represented multiple municipally-owned utility and electric cooperatives in a group of related breach-of-contract suits against an electric utility provider. All cases were resolved by agreement.
- 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.
- Assisted in securing the first reservoir permit issued by the State of Texas in almost thirty years for a regional water district.
- 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 at the trial level in both state and federal court based on governmental immunity.
- Won summary judgment dismissal of \$45,000,000 negligence claim in federal court; on appeal to the Fifth Circuit, obtained decision upholding dismissal.
- Won a directed verdict for a defendant in a state court nuisance suit where plaintiff claimed \$5,000,000 in damages.
- Collected a \$120,000 default judgment by garnishing out-of-state tech company's PayPal account.