



Joe R. Basham

CO-MANAGING PARTNER

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PRACTICE AREAS

Construction Contracts
 Construction Disputes
 Outside General Counsel Services

EDUCATION

J.D., *magna cum laude*, Texas Tech University School of Law (2002)

- Order of the Coif
- Technology Editor, Texas Tech Law Review

B.S., *cum laude*, Construction Science, Texas A&M University (1998)

LICENSES & CERTIFICATIONS

Supreme Court of the United States

Supreme Court of Texas

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

Board Certified, Construction Law — Texas Board of Legal Specialization



In construction, time is money. That's why as a practitioner, Joe strives for **quick, precise, and above all, efficient** responses to his clients' questions and issues.

OVERVIEW

Joe Basham is Allensworth's Co-Managing Partner. In addition to being responsible for the vision of our firm, he has twenty years' experience in guiding construction industry clients in the preparation, negotiation, and revision of the contracts that govern their work. Contracts are the foundation of any project, and Joe's job is to make sure that foundation is solid. From there, Joe counsels clients in the full range of project-related legal issues, strategies, obligations, and risks that arise from preconstruction to closeout.

As a seasoned construction contract attorney, Joe is well versed with the industry-standard contracts, including AIA, EJCDC, ConsensusDocs and DBIA templates, which he customizes for each specific project. He drafts and negotiates contracts with an emphasis on market-based risk management and practical solutions—all in furtherance of getting the deal closed. Because he represents a broad range of clients, from owners and

developers to contractors and design professionals, he understands construction and design contract issues from all angles and is particularly skilled at getting projects underway by getting parties to “yes.”

Once the project is in motion, Joe acts as outside general counsel to his clients by providing practical recommendations and solutions to manage issues throughout all project phases. During the construction phase, Joe helps clients navigate claims and change management issues including change orders, differing site conditions, acceleration, delays, force majeure events, and payment disputes. As the project winds down, Joe works to tie up loose ends by assisting with closeout issues, such as mechanics’ liens, payment claims, and warranty and punch list disputes. Finally, should complications arise after construction, Joe and his team are ready with solutions to resolve post-construction issues involving defective work, payment disputes, and building failures.

Ideally, formal disputes over structural defects, building envelope leaks, mechanical system issues, construction and design defect claims, schedule impact and delay, and other problems are resolved through mediation. Should litigation or arbitration arise, however, Joe oversees that as well.

In construction, time is money. This is why Joe strives for quick, precise, and above all, efficient responses to his clients’ questions and issues. His goal is to build long-term relationships with the clients he serves by delivering rapid, direct, and actionable answers to their questions and practical solutions to their problems.

He moves fast in his spare time, too. Joe is an avid long-distance runner (and has won a marathon), a bird hunter, a camper with his two boys—and if he had the time, he’d love to be a pilot.

REPRESENTATIVE EXPERIENCE

- Drafted and negotiated architectural and construction agreement for finish out of office space in downtown Austin office tower.
- Drafted and negotiated construction contract for church and school project in Austin.
- Drafted and negotiated construction contract for retail shopping center in San Antonio.
- Drafted architectural and construction contracts for capital improvement projects for a Central Texas county.
- Drafted bidding and construction contracts for developer in connection with a new Public Improvement District (PID) in the City of Austin.
- Drafted construction contract for developer for a high-rise mixed-use project in the Central Business District of Austin.

- Drafted construction contract of a private nonprofit urban park project in partnership with the City of Austin.
- Drafted construction manager agreement (AIA A133 – 2009) for owner’s new corporate headquarters.
- Negotiated agreement for museum project in Saudi Arabia.
- Negotiated air rights (crane) and soil tie-back agreement for property owners in downtown Austin.
- Negotiated architectural agreement for high-rise office building in the Central Business District of Austin.
- Negotiated architectural contract for high-rise condominiums in downtown Austin.
- Negotiated construction contract for high-rise apartments on Riverside Drive.
- Negotiated construction contract for luxury apartments in North Austin.
- Negotiated construction contract for prominent community bank.
- Represented a municipal retirement fund drafting and negotiating the construction contract for corporate relocation project.
- Represented a West Texas county in a multiparty construction defect lawsuit.
- Represented architect in building envelope dispute over hospital in Central Texas.
- Represented architect in dispute over parking garage.
- Represented subcontractor on a payment and scheduling dispute at the US Supreme Court.
- Represented architect in soil-movement dispute over institutional project in College Station.
- Represented contractor in differing site conditions claim by subcontractor.
- Represented contractor in payment dispute with healthcare provider.
- Represented developer in dispute over defects in construction of residential townhome project in Austin.
- Represented EPC contractor in payment dispute with owner over power plant project in Central Texas.
- Represented hospital in foundation movement dispute in North Texas.
- Represented structural engineer in foundation movement dispute over hotel project in Austin.
- Represented subcontractor in payment dispute over institutional project in San Marcos.
- Assisted in representation of subcontractor on payment and scheduling dispute, including the drafting of briefs on appeal to the Supreme Court of the United States.
- Obtained complete summary judgment on behalf of structural engineer against claims by owner, architect, and general contractor relating to alleged foundation defects at an Austin hotel.

- Secured take-nothing defense award and attorneys' fees on behalf of general contractor against \$621,000 claim for additional compensation by subcontractor.

PRESENTATIONS & PUBLICATIONS

- Integrated Project Delivery: Boost Productivity, Save Money, and Avoid Litigation
Place: THRESHOLD: Texas Society of Architects 78th Annual Convention and Design Expo (November 2017)
- The Smooth, The Sad, and The Ugly
Place: Presented at the 2017 Central Texas Stucco Symposium: Beyond the Scratch Coat (October 2017)
- Construction Loans and Contractor Documents
Place: Presented at the 51st Annual William W. Gibson, Jr. Mortgage Lending Institute (September 2017)
- Risky Business: Managing Construction Project Risk with Bonds and Insurance
Place: Presented at the Texas City Attorney Association Summer Conference (June 2017)
- 2017 Legislative Update: Construction-Related Bills and Changes to Business & Commerce Code 272 Regarding Out-of-State Venue Provisions
Place: Presented to The Surety Association of South Texas (June 2017)
- Construction Litigation
Place: Presented to the Building Enclosure Council of Houston
- Case Study: Port of Houston/Zachry Contract
Place: Presented to the Construction Industry Institute Executive Leadership Program, The University of Texas at Austin (January 2017)
- Key Clauses in Design and Construction Contracts for Condominium Projects
Place: Presented to the State Bar of Texas 29th Annual Construction Law Conference (March 2016)
- Top Construction Contract Issues and Pressure Points for the Players, The Subcontractor's Perspective
Place: Presented to The University of Texas School of Law Construction Law Conference (September 2012)
- Reviewing Contracts for Design Services and Construction
Place: Presentation for HalfMoon Seminars, LLC: Legal Issues for Texas Landscape Architects (August 2011)
- Adopting Strategies for Minimizing Liability Exposure
Place: Presentation for HalfMoon Seminars, LLC: Minimizing Engineering Liability Exposure (February 2011)

- Building Information Modeling
Place: *In Shared Design 4-1* (Michael T. Callahan ed., 2011)
- Lien and Bond Claims for Design Professionals
Place: Presentation for Lorman Education Services: Legal Issues for Texas Design Professionals (August 2006)
- Performance Bonds
Place: Presentation for Lorman Education Services: Construction Lien Law in Texas (February 2006)
- Why Use a Change Order?
Place: Presentation for Lorman Educational Services: Change Orders in Texas (June 2005)
- Nuts & Bolts of Texas Mechanics' Liens
Place: Presented to the Austin Bar Association—Construction Law Section (February 2005)
- Perfecting Mechanics' & Materialmen's Liens in Texas
Place: Presentation for Lorman Education Services: Construction Lien Law in Texas (January 2005)
- Pay if Paid Clause May Not Be Enforceable
Place: Construction News (October 2003)
- How Long Am I on the Hook? Statutes of Repose, Statutes of Limitation, and Why a One-Year Warranty May Not Be a One-Year Warranty
Place: Presented at the South Padre Island Building Communities Conference (September 2003)
- Introduction to Texas Residential Construction Law (Construction Defects)
Place: Presented to the University of Texas School of Law Residential Construction Law Conference (2003)

INDUSTRY INVOLVEMENT

- State Bar of Texas, Construction Law Section | Member (2002-Present)
- Austin Bar Association, Construction Law Section | Member (2002-Present)
- Associated General Contractors, Austin Chapter | Legal Affairs Committee (2012-Present)
- Building Enclosure Council, Austin Chapter | Board Member (2015-2022)
- Tau Sigma Delta Honor Society of Architecture and Allied Arts | Lifetime Member
- Sigma Lambda Chi International Honor Society for Construction | Lifetime Member

AWARDS

Chambers USA

- Texas Construction Law, Band 3 (2020)
- Texas Construction Law, Recognized Practitioner (2018-2019)

Best Lawyers by BL Rankings

- “Lawyer of the Year” Construction Litigation – Austin, Texas (2021)
- “Lawyer of the Year” Construction Law – Austin, Texas (2019)
- Construction Law – Austin, Texas (2014-2021)
- Litigation: Construction – Austin, Texas (2018-2021)

Super Lawyers by Thompson Reuters

- Construction Law – Austin, Texas (2013-2021)
- Top 50 – Central and West Texas (2017)
- Rising Stars – Texas Construction Litigation (2005-2013)