



## Matt R. Talley

PARTNER

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### PRACTICE AREAS

Construction Contracts  
Construction Disputes  
Outside General Counsel Services  
Water Law Services

### EDUCATION

J.D., South Texas College of Law  
Houston (2008)

B.A., Government, The University of  
Texas at Austin (2005)

### LICENSES & CERTIFICATIONS

Supreme Court of Texas

Admitted to the U.S. District Court for  
the Western District of Texas



From drafting and negotiating contracts to evaluating insurance policies to crafting dispute resolution strategies, **Matt identifies and attacks potential points of weakness** before opportunists have time to exploit them.

### OVERVIEW

When Matt counsels industry clients in transactions, disputes, or insurance issues, he operates from the place where business and legal issues overlap. By integrating both perspectives into his work, he guides his clients through an inherently complex, dynamic, and high-stakes legal terrain. In a field as intricate as construction, almost no question is purely legal, or purely business. With this hybrid perspective always in mind, Matt brings an exceptionally creative and multifaceted approach to solving problems.

Matt routinely drafts and negotiates complex construction contracts and professional services agreements, and he has a thorough understanding of the AIA, EJCDC, ConsensusDocs, and DBIA industry templates, which he adapts to address each specific client and project. He also represents owners, general

contractors, and design professionals in complex litigation and disputes. In addition, he assists corporate policy holders in the evaluation of insurance coverage issues for both first-party and third-party insurance, and he reviews and drafts risk management provisions in commercial agreements.

Matt's track record in these distinct but deeply connected disciplines—construction-related transactional law, litigation, and insurance—makes him an exceptionally versatile, multifaceted, and knowledgeable advisor to his clients' teams. His deep insurance knowledge is particularly valuable. Insurance is a key risk management tool in a construction project, and his capabilities in this field help clients with risk transfer and mitigation. Matt assists them in structuring their insurance programs, developing insurance requirements for project participants, and obtaining the maximum benefit from the insurance coverage in place at the time issues arise. And because he understands coverage on the back end, he knows what issues matter on the front end when he is reviewing contracts.

Regardless of the situation, Matt digs in to serve his role as an instrumental, trusted member of each client's team. In helping demystify sources of risk and anxiety, Matt is especially skilled at breaking complex issues down into succinct, actionable assessments that allow clients to make meaningful, informed decisions, all in service to solving the problem at hand.

In his spare time, Matt is all about sports and his family. He's a lifelong fan of the Longhorns and San Antonio Spurs, and he enjoys biking, golf, basketball, running, and fishing.

## REPRESENTATIVE EXPERIENCE

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- Represented industrial developer in negotiation of design consultant, architectural, and construction contracts on program of work valued at over \$300MM.
- Drafted design-build templates for vertical, manufacturing, and industrial work on behalf of multi-billion-dollar company.
- Represented municipality in preparation of procurement documents and EJCDC construction contract for \$30MM wastewater treatment plant project.
- Represented industrial developer in negotiation of design consultant, architectural, and construction contracts on \$30MM industrial facility in Arizona.
- Represented real estate developer in negotiation of construction contract on a \$33MM multi-family project in New Mexico.
- Represented multi-family construction contractor in negotiation of numerous construction contracts ranging in value from \$35MM to \$75MM.

- Represented multi-family developer in negotiation of construction contracts on \$80MM program of work in Pennsylvania.
- Represented industrial real estate developer in negotiation of design consultant and design-build contracts on a \$36MM industrial facility.
- Represented high-end residential construction contractor in contract negotiations for projects ranging in value from \$7MM to \$10MM.
- Represented real estate developer in negotiation of EJCDC construction contract on \$11MM site development project.
- Represented national student housing development company in development of \$100 MM student housing facility. Representation included (i) negotiation of design-build contract with design-builder and (ii) negotiation of construction-related issues with lender.
- Analyzed insurance policies for prospective design and construction firms and assisted in drafting and negotiating construction and design contracts for large governmental entity on \$900 MM expansion project.
- Represented real estate developer in redevelopment of shopping mall facility into mixed-use facility. Representation included negotiation of construction and design contracts with approximate value of \$50 MM.
- Negotiated contractual insurance requirements and reviewed insurance programs of contractor and design professional on behalf of a public entity on \$400 MM construction project.
- Represented construction lender in due diligence review of construction and design contracts with aggregate value of over \$350 MM.
- Represented national student housing development company in development of \$45 MM student housing facility. Representation included negotiation of (i) development agreement with economic development corporation and (ii) design-build contract with design-builder.
- Represented real estate developer in negotiation of construction contract for \$41 MM multi-family housing project.
- Represented equity investor in review and negotiation of construction and design contracts between affiliates of vertically integrated development company for approximately \$37 MM affordable housing project.
- Represented real estate developer in negotiation of construction contracts for two multi-family complexes with combined aggregate value of approximately \$35 MM.
- Represented real estate developer in negotiation of construction contract for \$28 MM affordable housing project utilizing HUD financing.
- Represented real estate developer in negotiation of design-build contract for industrial facility with approximate value of \$20 MM.
- Represented chemical manufacturer in negotiation of design-build contract for new lab facility with approximate value of \$5 MM.

- Represented oil and gas company in negotiation of construction contract for finish-out of new office with approximate value of \$2 MM.
- Represented healthcare company in negotiation of construction contract for finish-out of new headquarters with approximate value of \$1.5 MM.
- Represented affordable housing developer on insurance issues related to fire damage to mixed-use development project.
- Defended bonding agency in \$20 MM litigation arising from fraud and breach of fiduciary duty claims.
- Represented large engineering firm in \$30 MM construction/design defect lawsuit.

## PRESENTATIONS & PUBLICATIONS

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- Projecting the Project with Insurance and Bonds  
Place: HalfMoon Education (September 2019)
- Ten Key Insurance Issues for Corporate Counsel  
Place: Austin Association of Corporate Counsel (August 2019)
- Managing Risk with General Liability and Professional Liability Insurance Coverage  
Place: Texas Engineering Law Seminar (July 2016)
- Texas Mechanic's Liens and Bond Claims  
Place: University of Texas at San Antonio, School of Architecture (November 2014, April 2015, and June 2016)
- CGL Coverage Issues  
Place: Coats Rose Lunch and Learn Series (July 2013)

## INDUSTRY INVOLVEMENT

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- State Bar of Texas, Construction Law Section | Member (2009-Present)
- State Bar of Texas, Insurance Law Section | Member (2012-Present)
- State Bar of Texas, Litigation Section | Member (2009-Present)
- Austin Bar Association, Construction Law Section | Member (2017-Present)
- Texas Exes Association, Houston Chapter | Member (2005-Present)

## AWARDS

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## Best Lawyers by BL Rankings

- Ones to Watch: Construction Law – Austin, Texas (2022-2024)