



Nicholl B. Wade

ATTORNEY

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PRACTICE AREAS

Construction Disputes
 Professional Licensure & Defense

EDUCATION

J.D., *magna cum laude*, Texas Tech
 University School of Law (2015)

M.A., Psychology, Texas A&M
 University-Corpus Christi (2012)

B.A., Psychology, Texas A&M
 University-Corpus Christi (2009)

LICENSES & CERTIFICATIONS

Supreme Court of Texas

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

Admitted to the Fifth Circuit Court of
 Appeals



Nicholl's construction litigation work is all directed at making this happen and resolving the issue at hand so her clients can return to **business as usual**.

OVERVIEW

The best way to address any dispute, hands down, is to get everyone on the same side. At that point, the issue becomes not, "How do we beat the other guy?" but instead, "How, working with the other guy, can we solve this problem?" Nicholl Wade's work as an Austin construction litigation attorney is all directed at making this happen—getting everyone to "yes."

This process begins with an exhaustive, hands-on evaluation and analysis. This means not simply doing research and writing a memo, but going through reams of emails, reviewing documents, digging deep into the relevant statutes and cases, and generally doing whatever's needed to gain a firm grip on the documents and distill the information at issue.

Nicholl also strives as a litigator to ensure that her clients are well-informed. This includes analyzing the strengths and weaknesses of a claim, the legal and business risks, the time scale of the proceedings, potential damages, and so on. The goal

is to see to it that both she and her client are both fully informed and on the same page as a case gets underway.

Throughout her stewardship of the case, her goal as a litigation attorney remains finding a way to “yes.” With some issues, such as project closeout or managing a change order, negotiation and compromise are the order of the day, and Nicholl comes armed with a command of the facts that powers her arguments. More complex or involved situations may require depositions, motion practice, and even a full adjudication of the case, but where possible, Nicholl’s objective is to reach agreement, resolve the issue at hand, and allow the client to return to business as usual.

As a legal professional, Nicholl is surpassingly calm and matter-of-fact, particularly in a crisis. As a woman in a male-dominated field, this is a particularly valuable capability. There’s an old saying that the person to be most concerned about is the calmest one in the room—and that’s Nicholl. When faced with attempts at posturing and intimidation, she remains serene, with an unwavering focus on advancing the client’s objectives.

For all her determination and grit as a litigator, she also excels at unearthing creative approaches to legal disputes, also backed by exhaustive research and analysis. Rather than having dozens of smallish clients, she has a handful of larger, select ones for whom she’s the go-to resource for addressing disputes. Her combination of attention to detail, tenacity, and innovation, along with her focus on resolution, make her a resource her clients value and a reliable and stalwart practitioner.

In her free time, Nicholl enjoys art, movies, spending time with her family, and reading on the beach in her hometown of Ingleside, Texas.

REPRESENTATIVE EXPERIENCE

- 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.
- Defended architect in a design-defect claim over public housing project and secured favorable settlement and dismissal of claim.
- Defended architectural firm and individual architect through settlement against malpractice and fraud claims involving bidding process and obtained favorable settlement and dismissal of claim.
- Defended electrical subcontractor and secured a favorable settlement against negligence, warranty, and breach-of-contract claims involving electrical wiring of a public school.

- Obtained favorable judgment for awning contractor, foreclosed on lien, and obtained attorneys' fees.
- Obtained investigation dismissals from the Texas Board of Architectural Examiners for several architects and interior designers.
- Represented architects in drafting AIA construction contracts.
- Represented banking institution in a defective design claim, resulting in favorable settlement.
- Represented concrete and solar panel subcontractors in payment disputes and secured outstanding payments and retainage.
- Represented restaurant franchisee in negotiation of construction contract for \$1M+ restaurant build.

PRESENTATIONS & PUBLICATIONS

- Theories of Liability against Architects and Engineers
Place: 2020 Basics Course in Texas Construction Law (December 2020)
- Rohr Shock: Proving Up Attorneys' Fees in the Lode Star State
Place: Construction Law Foundation of Texas 33rd Annual Construction Law Conference (March 2020)

INDUSTRY INVOLVEMENT

- State Bar of Texas, Construction Law Section | Member (2015-Present)
- Austin Bar Association, Construction Law Section | Chair-Elect (2021-2022); Board Member (2020-2021); Member (2019-Present)
- Austin Bar Association, Austin Young Lawyers Association | Member (2019-Present)
- Travis County Women Lawyers Association | Member (2019-Present)
- City of Austin, Board of Adjustment | Board Member (2021-2023)

AWARDS

Super Lawyers by Thompson Reuters

- Rising Stars – Texas Construction Litigation (2019-2021)

360 West Magazine

- “Top Attorney” – Commercial Litigation (2018)