



Robert W. Derner

ATTORNEY

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PRACTICE AREAS

Construction Contracts
Construction Disputes

EDUCATION

J.D., *cum laude*, St. Mary's University
School of Law (2020)

- *St. Mary's Law Journal* | Managing Editor (2019-2020), Staff Writer (2018-2019)
- Robert W. Derner, Comment, *Ethical Limitations on Lawyer-to-Lawyer Online Consultations Regarding Pending Cases*, 10 *St. Mary's J. Legal Mal. & Ethics* 102 (2020)
- Judicial Intern to the Honorable Xavier Rodriguez, U.S. District Judge for the Western District of Texas (2018)

B.A., *summa cum laude*, Political Science, Texas State University (2016)

LICENSES & CERTIFICATIONS

Supreme Court of Texas



As with the construction industry itself, **details matter** in construction law, and Robert thrives on untangling complex legal issues.

OVERVIEW

Austin construction attorney Robert Derner is all about focus. His deeply analytical mind, insatiable work ethic, and exacting attention to detail fuel his review and analysis of complex construction contracts and his approach to resolving industry disputes. Robert's practice centers mainly on professional services agreements for architects, engineers, and professional consultants—but regardless of the players, he scours each document to identify potential risks, untapped opportunities, and legal gray areas that can be leveraged during negotiation.

With an appreciation of each clause and how the wider agreement operates, Robert preserves coherence and clarity in each document, using close review and analysis to help the partner in charge advance negotiations and close the deal on favorable terms for the client. As with the construction industry itself, details matter in construction law, and Robert thrives on untangling complex legal issues.

In disputes, he uses these same skills to assess risks and help resolve conflicts involving breaches of contract, construction defects, and payment claims. Robert drills down to identify the critical issues of each case by thoroughly reviewing the project file, distilling key facts, and bringing clarity to the sprawling detail of a construction project—all with an eye toward helping clients chart the most straightforward and efficient path to resolution.

Robert's precision and attention to detail also power his legal writing. His skills on this front won him a published comment and selection as Editor-in-Chief of the St. Mary's Law Journal, as well as a judicial internship with the Honorable Xavier Rodriguez in the Western District of Texas. Now in private practice as a construction attorney, his deep commitment to research and preparation drives Robert's legal work in the same way it did his academics.

In his spare time, Robert likes to channel his energy toward weightlifting—helping to balance out his other favorite pastime of seeking out new restaurants all around town.

REPRESENTATIVE EXPERIENCE

- Represented international design professional client in drafting and negotiation of agreement with a publicly traded owner for full-scope architectural services on large, mixed-use tower project.
- Drafted and negotiated design and construction agreements for a national developer client's multi-phase, mixed-use project.
- Represented regional, Texas-based design professional client in preparation and negotiation of exclusive licensing agreement governing repeated use of its professional instruments of service by large modular homebuilder.
- Represented an international design professional client in the drafting and negotiation of its agreement with a publicly traded owner for full-scope architectural services on a large, mixed-use tower project.
- Negotiated agreement on behalf of multi-discipline design professional client for Central Texas-based public-private partnership project.

- Represented boutique design professional client in drafting and negotiation of master services agreement with Texas-based developer-builder specializing in use of three-dimensional printing technology.
- Created facilities repair and maintenance agreements tailored to needs of a large, Texas-based retailer client.

INDUSTRY INVOLVEMENT

- State Bar of Texas, Construction Law Section | Member (2020-Present)
- State Bar of Texas, Environmental and Natural Resources Section | Member (Present)
- State Bar of Texas, Texas Young Lawyers Section | Member (Present)
- Austin Bar Association, Construction Law Section | Member (2020-Present)
- Austin Bar Association, Austin Young Lawyers Association | Member (2020-Present)

PRESENTATIONS & PUBLICATIONS

- Risk Management in the Practice of Architecture
Co-presented at AIA Austin Small Firms Roundtable (August 2023)
- Law and the Architect: 2022 – A Smorgasbord of Thoughts on Architectural Practice and Risk Management
AIA Austin 2022 Design Excellence Conference (August 2022)
- Law and the Architect: 2022 – A Smorgasbord of Thoughts on Architectural Practice and Risk Management
Allensworth Legislative Update (July 2022)
- Handling Ethical Issues in Professional Engineering Practice
Halfmoon Seminars, LLC (May 2022)
- Let the End Times Roll: Proactively Managing Project Closeout
Co-wrote the paper for the Construction Law Foundation of Texas 35th Annual Construction Law Conference (March 2022)