



Will W. Allensworth

PARTNER

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PRACTICE AREAS

Construction Disputes
Professional Licensure & Defense
Outside General Counsel Services
Arbitration Services
Water Law Services

EDUCATION

J.D., *with honors*, University of Texas
School of Law (2010)

B.A., Philosophy, Texas Tech University
(2005)

LICENSES & CERTIFICATIONS

Supreme Court of Texas

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

Admitted to the Fifth Circuit Court of
Appeals

Board Certified, Construction Law —
Texas Board of Legal Specialization



Will helps clients translate legal scenarios into specific business cases and actionable, strategic plans, with the ultimate goal of **resolving disputes as favorably and rapidly as possible**.

OVERVIEW

Will Allensworth is a lawyer who stands out for his analytic mind and deep commitment to legal scholarship. His greatest strength, however, is his ability to bridge the gap between theory and real-world application in complex construction and water disputes, distilling his analysis into straightforward risk assessments and pragmatic advice that clients rely on to navigate conflict and promote their long-

term business goals.

As an advisor and problem solver, Will counsels construction, design, and water industry clients on legal issues with the objective of helping them make informed business decisions about legal costs, settlement negotiations, and potential recovery and risk, among other things. As an experienced dispute resolution attorney, Will helps his clients translate legal scenarios into specific business cases and actionable, strategic plans, with the ultimate goal of resolving disputes as favorably and rapidly as possible.

His process begins with diagnosing the specific problem his client faces and determining whether a construction or water lawyer (or a corporate, bankruptcy, or other specialist) is really what's needed. He then evaluates what he calls a “win condition”—what success would be, what kind of return it would provide, and how that compares to the costs, both financial and managerial, of any potential alternative. Will places great analytical emphasis on possible legal outcomes and avoids substituting his own business thinking for his clients’.

On the construction side, Will is a jack of all trades in a highly specialized field. He brings to his work an unusually broad range of both clients (owners, general contractors, and design professionals) and industry insight (insurance defense, payment disputes, project closeout, lien claims, and professional ethics). His construction industry focus is augmented by an insatiable scholarly drive—Will

allocation strategies and claims, the Economic Loss Rule, statutes of limitations, and consequential damages, among others. He has spoken several times at the State Bar of Texas's annual Construction Law Conference, and he teaches Construction Litigation at the University of Texas School of Law.

In addition to his construction practice, Will also advises rural water districts in conflicts over the design, construction, and development of infrastructure within their service areas. Specifically, Will represents water supply corporations and special utility districts seeking to preserve the integrity of their state law service territory (through their certificates of convenience and necessity), and their federal law territorial rights (through a federal lending program administered under 7 U.S.C. § 1926). Will represents rural water districts in all forums affecting their service territories, including in administrative proceedings before the Public Utility Commission of Texas, and in state and federal litigation. As part of that practice, Will also advises rural water districts in interacting with developers, contractors, and designers related to water infrastructure development, and best practices for protecting their service territories from encroachment.

Will is an avid fan of ice-cold Coors Lights, bad movies, and Texas Tech sports, but these days you'll mostly find him spending time with his wife, Anne, while trying to keep up with their two children.

REPRESENTATIVE EXPERIENCE

- Successfully co-first-chaired nine-week bench trial on behalf of engineering firm, resulting in defense judgment (no liability) against eight-figure claims arising out of construction delays allegedly arising out of engineering firm's design and construction phase services on a wastewater treatment plant project. Results are pending on appeal.
- Secured favorable settlement on behalf of engineering firm on multi-million-dollar claims for alleged defects in wastewater treatment plant design.
- Obtained favorable dismissal for architect after compelling underlying owner-contractor dispute to arbitration while abating ongoing lawsuit claims against architect.
- Drafted and filed numerous amici curiae briefs on behalf of design-professional trade organizations in Texas appellate courts, including the Texas Supreme Court.
- Obtained Chapter 150 dismissal, affirmed on appeal, on behalf of civil engineer for negligence and personal injury claims relating to curb-cut designs.
- Obtained Chapter 150 dismissal, affirmed on appeal, for architectural firm for negligence and personal injury claims relating to alleged design defects on a multifamily project.
- Obtained partial summary judgment, and ultimately a defense judgment after bench trial, on behalf of land use and permitting company against allegations of fraud, negligence, and breach of contract.
- Successfully represented special utility district in territorial dispute with neighboring municipality over 7 U.S.C. § 1926(b) in multiple administrative, state, and federal forums, ultimately helping secure favorable settlement and consent decree on behalf of district.
- Represented water supply corporation through successful settlement of water service area dispute and secured federal court order denying non-settling defendant's demand for attorneys' fees.
- Assisted in representation of subcontractor on payment and scheduling dispute, including drafting of briefs on appeal to the Supreme Court of the United States.
- Obtained complete summary judgment for 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 for general contractor against \$621,000 claim for additional compensation by subcontractor.
- Intervened on behalf of special utility district in declaratory judgment action and, after bench trial, secured favorable ruling narrowing order to avoid interference with client's state and federal rights.
- Represented subcontractor in dispute with insurers to secure seven-figure settlement for alleged construction defects.

- Represented general contractor in dispute with insurer over amount of coverage under commercial general liability policy, ultimately resulting in settlement of entire dispute within policy limits.

PRESENTATIONS & PUBLICATIONS

- Tolls Under the Limitations Bridge
Co-presented to the Houston Bar Association Construction Law Section CLE Lunch (April 2024)
- Defending Against De-Certification: Your 1926(b) Federal Loans and Protecting Your CCN
Co-presented to the Texas Rural Water Association RuralWaterCon (March 2024)
- Case Law Update
Presented to the State Bar of Texas 37th Annual Construction Law Conference (March 2024)
- Water Wars: Representing Rural Water Districts in Disputes
Co-presented at Allensworth Tacos & Teach CLE Series (June 2023)
- Virtual Trials and Tribulations
Co-presented to Austin Bar Association Construction Law Section (April 2023)
- Assignment: Assignment
Presented to Construction Law Foundation of Texas CLE Webinar (August 2022)
- Litigation Budgets
Presented at Allensworth Tacos & Teach CLE Series (September 2021)
- Statutes of Limitation and Statutes of Repose
Presented at Allensworth Tacos & Teach CLE Series (April 2021)
- Facing the Consequentials: How to Recover, Negotiate, and Waive Consequential Damages
Presented to State Bar of Texas 34th Annual Construction Law Conference (March 2021)
- Consequential Damages Update
Presented to Houston Bar Association Construction Law Section (November 2020)
- The Contingent Payment Statute: Rather Complex
Published in *The State Bar of Texas Construction Law Journal* Volume 15, Number 2 (Winter 2019)
- Construction Accessibility—Common Preventable Errors and the Role of the Accessibility Specialists
Presented at the Accessibility Professionals Association Conference and Expo (January 2019)

- Rebuilding the ELR: A Request for Information on Texas Construction Law
Presented to Construction Law Foundation of Texas' Annual CLE for Board Certified Construction Lawyers (December 2018)
- Rebuilding the Economic Loss Rule: A Request for Information on Texas Construction Law
Published in *The State Bar of Texas Construction Law Journal* Volume 14, Number 3 (Winter 2018)
- Back to the Future: Updates in Construction Law and 2019 Legislative Preview
Presented at Build On: The Construction Seminar for Construction Experts (September 2018)
- The Economic Loss Rule is Boring
Presented at Allensworth Tacos & Teach CLE Series (March 2018)
- A Question of Consequence: Consequential Damages
Presented to State Bar of Texas 30th Annual Construction Law Conference (March 2017)
- Case Study: Port of Houston/Zachry Contract
Co-presented to the Construction Industry Institute Executive Leadership Program, The University of Texas at Austin (January 2017)
- Chapter 150: Updates and Trends in Certificate of Merit Law
Published in *The Advocate, State Bar of Texas Litigation Section Report* (Summer 2016)
- Overview of Contract Law
Presented for HalfMoon Education, Inc.: Legal Issues for Texas Civil Engineers and Professional Land Surveyors (November 2015)
- Theories of Liability against Architects and Engineers
Co-authored paper presented to the Texas State Bar Construction Law Section Basic Course in Construction Law (December 2015)
- Architect/Engineer Defense in Practice
Co-authored paper presented to the State Bar of Texas 28th Annual Construction Law Conference (March 2015)
- Overview of Contract Law
Presented for HalfMoon Education, Inc.: Legal Issues for Texas Civil Engineers (August 2014)
- Increased Use of Bifurcation in Construction Cases Involving Derivative Claims
Published in *The Construction Lawyer: Journal of the American Bar Association Forum on the Construction Industry* 33, No. 4 (Fall 2013)
- The Certificate of Merit: Field of Opportunity and Peril
Co-authored paper and co-presented to the State Bar of Texas 26th Annual Construction Law Conference (March 2013)
- Construction Law Update
Co-authored paper presented to The University of Texas School of Law Construction Law Conference (September 2012)

- The Witching Hour: Limitations, Repose, Tolling, and Other Horrors
Co-authored paper presented to the State Bar of Texas 25th Annual Construction Law Conference (March 2012)
- Construction Law Update
Co-authored paper presented to the State Bar of Texas 27th Annual Litigation Update Institute (January 2011)
- Contractual Devices to Limit, Waive, and Liquidate Schedule-Related Damages
Co-authored paper that was presented to the State Bar of Texas 23rd Annual Construction Law Conference (March 2010)

INDUSTRY INVOLVEMENT

- University of Texas at Austin School of Law | Adjunct Professor, Construction Litigation (2019-Present)
- State Bar of Texas, Construction Law Section | *Texas Construction Law Journal* Editor (2021-2023), Assistant Editor (2019-2021), Editorial Board Member (2018-2019); Young Construction Lawyer Representative (2015); Member (2010-Present)
- State Bar of Texas, Appellate Law Section | Member (2010-Present)
- State Bar of Texas, Environmental and Natural Resources Law Section | Member (Present)
- Austin Bar Association, Construction Law Section | Member (2010-Present); Section Officer (2014-2017)
- Austin Young Lawyers Association | Member (2010-2023)
- Robert W. Calvert American Inn of Court | Member (2013-2017)

AWARDS

Chambers USA

- Texas Construction Law, Band 2 (2023)
- Texas Construction Law, Band 3 (2020-2022)
- Texas Construction Law, Up and Coming (2018-2019)
- Texas Construction Law, Associates to Watch (2015-2017)

Super Lawyers by Thompson Reuters

- Rising Stars – Texas (2017-2023)
- Up-and-Coming 100 – Texas (2020-2023)

Best Lawyers by BL Rankings

- “Lawyer of the Year” Litigation: Construction – Austin, Texas (2023)
- “Lawyer of the Year” Construction Law – Austin, Texas (2023)
- Construction Law – Austin, Texas (2018-2024)
- Litigation: Construction – Austin, Texas (2018-2024)
- Administrative/Regulatory Law – Austin, Texas (2019-2024)

Austin Monthly’s Austin Top Attorneys – Construction (2020-2023)